



**CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
WALLACE J. PUCHALSKI MUNICIPAL BUILDING
212 MAIN STREET, NORTHAMPTON
Northampton, MA
December 4, 2014**

MEETING MINUTES

Roll Call

A regular meeting of the City Council was called to order by City Council President, William H. Dwight at 7:05 p.m. On roll call, nine (9) Councilors were present:

At-Large Councilor Jesse M. Adams
At-Large Councilor William H. Dwight
Ward 1 Councilor Maureen T. Carney
Ward 2 Councilor Paul D. Spector
Ward 3 Councilor Ryan R. O'Donnell
Ward 4 Councilor Gina-Louise Sciarra
Ward 5 Councilor David A. Murphy
Ward 6 Councilor Marianne L. LaBarge
Ward 7 Councilor Alisa F. Klein

Public Hearings

None

**Communications
From the Mayor**

Mayor Narkewicz announced that the Parks and Recreation Department will be looking to relocate their office within the next six months. This came as a result of a vote taken by the SV/AlHS Board of Trustees to end the lease with the City for use of the current location on SV property. Seven staff members will need to be relocated.

**Proclamations,
Resolutions,
Recognitions and
One-Minute
Announcements**

- 14.313 City Of Northampton's Trust Resolution (*2nd Reading*)
- Councilor LaBarge moved to approve the Resolution; Councilor Sciarra seconded the motion. The motion was approved on a Voice Vote of 9 Yes, 0 No*

**Northampton's
Trust Resolution**

The following Resolution passed in second reading;
City of Northampton
MASSACHUSETTS

In City Council, November 20, 2014

Upon the Recommendation of City Councilors Jesse M. Adams, Paul D. Spector, and Alisa F. Klein

**Resolution Supporting the Executive Policy Order on Police
Procedures**

Whereas: The City of Northampton has been, and continues to be enriched by the contributions of community members who have traveled from all points of the globe to make their homes here; and

Whereas: Northampton is a welcoming city that seeks to ensure public safety and trust between law enforcement and all members of our community; and

Whereas: There is no legal authority upon which the federal government may compel an expenditure of City resources to comply with an Immigration and Customs Enforcement (ICE) detainer request; and

Whereas: The Transparency and Responsibility Using State Tools (TRUST) A-

versions of which are pending before state and federal legislatures, aims to keep immigrants who pose no risk to society safe in their communities and with their families while also promoting trust between the immigrant community and local law enforcement; and

Whereas: According to the Massachusetts TRUST Act Coalition, which includes State Senator Jamie Eldridge and former State Representative Carl Sciortino, ICE issued more than 5,000 detainers in Massachusetts from 2008 through 2011, and more than 75% of these detainers were placed on individuals who had no criminal conviction or history; several were issued on children under the age of eighteen; and

Whereas: In April, 2014, a federal judge ruled that it is a violation of constitutional rights to hold an individual for immigration authorities without probable cause; and

Whereas: As a result of this ruling, cities and counties nationwide are beginning to revise their policies regarding voluntary cooperation with ICE detainer requests; and

Whereas: On August 18, 2011, the Northampton City Council, with the cooperation of Northampton Police Chief Russell Sienkiewicz resolved that community members would not be subjected to civil immigration detainer requests or administrative immigration warrants issued by ICE or Customs and Border Patrol (CBP); and

Whereas: That resolution has served as the *de facto* policy of the Northampton Police Department since its passage; and

Whereas: On August 28, 2014, Mayor David J. Narkewicz issued an Executive Policy Order asserting "that it shall be the continuing policy of the City of Northampton to assure equal, just, and fair treatment of all persons who live in and visit the city and, in furtherance of that policy, the Chief of Police shall develop formal departmental policies and procedures implementing the following:

- 1) Directing Northampton Police Department personnel to not honor or enforce any detainer request from U.S. Immigration and Customs Enforcement (ICE) that is non-criminal and not subject to a judicially issued warrant.
- 2) Directing Northampton Police Department personnel to allow motor vehicle operators stopped for a violation and found to be unlicensed a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle, regardless of immigration status. Nothing in such policy shall apply to violations that are subject to a statutory or regulatory requirement of vehicle impoundment.
- 3) Continuing and enhancing existing programs and procedures of the Northampton Police Department to allow access by immigrants to police services in their native languages.
- 4) Providing for record keeping with regard to the policies set forth herein which can be made available to the Mayor upon request"; now therefore be it

Resolved: that the Northampton City Council resolutely supports the spirit and intent of this Executive Policy Order; and be it further

Resolved: that the Northampton City Council will use its authority to assure these protections are applied consistently and fairly; and be it further

Resolved: that the Northampton City Council calls upon other communities, the Massachusetts Legislature, the Governor of the Commonwealth, Congressman James McGovern, Senators Elizabeth Warren and Edward Markey and President Barack Obama to pursue and enact similar protections to further the American principles of justice, trust and security.

<u>Enrolled</u>	<u>Rules suspended, passed two readings and Enrolled</u>
<u>Presentations</u>	None
<u>Licenses & Petitions</u>	Junk Dealer Petition for ecoATM Kiosk @ Stop & Shop on King Street Kiosk planned for March, 2015; Questions can be directed to Christine Abernathy, Regulatory Affairs Coordinator; Phone # 858-766-7243
<u>ecoAYM Petition as a Junk Dealer</u>	<i>Councilor Dwight indicated that there are safety precautions established with the proposed kiosk. Each kiosk has a webcam, thumbprint scanner and an id validation process.</i>
<u>Petition Approved</u>	<i>Councilor LaBarge moved to approve the Petition; Councilor Carney seconded the motion. The motion passed on a voice vote of 9 Yes, 0 No.</i>
<u>Private Roadway Recommendation s from BPW & Planning Board</u>	Private Roadways for review with Recommendations as Noted <ul style="list-style-type: none"> • (Requires vote to accept BPW/Planning recommendations) <ol style="list-style-type: none"> 1. Center Court - No recommendation from BPW & Planning 2. Paquette Avenue- No recommendation from BPW & Planning 3. Park Avenue- No recommendation from BPW & Planning 4. Hebert Avenue- No recommendation from BPW Yes recommendation from Planning <p><i>Councilor LaBarge motioned to recognize Terry Culhane from the Board of Public Works; Councilor Adams seconded the motion.</i></p> <p><i>Councilor LaBarge moved to recognize Department of Public Works Director Ned Huntley; Councilor O'Donnell seconded the motion.</i></p> <p><i>The recognitions before City Council were approved on a Voice Vote of 9 Yes, 0 No.</i></p>
<u>Center Court Recommendation</u>	Center Court Vote: <p><i>Mr. Culhane indicated that the reason for "no" recommendation for Center Court was that the BPW felt that the street does not meet reasonable criteria as a City Street. He further indicated that Center Court was a difficult street to assess.</i></p> <p><i>A letter from Mr. Floyd Andrus was read into the record by Councilor Dwight. Mr. Andrus letter outlines his desire to have Center Court be recognized as a Public Way.</i></p> <p><i>Councilor Adams motioned to recognize Floyd Andrus of Florence, Councilor LaBarge seconded the motion. Mr. Andrus</i></p> <p><i>Councilor Spector moved to accept the recommendations of the Board of Public Works and the Planning Board; Councilor O'Donnell seconded the motion. The motion failed on a Roll Call Vote of 4 Yes (Councilors Carney, Dwight, O'Donnell, and Spector), 4 No (Councilors Adams, Klein, LaBarge and Sciarra), 1 Abstention (Councilor Murphy)</i></p>
<u>Pacquette Avenue Recommendation</u>	Pacquette Avenue Vote: <p><i>Mr. Culhane indicated that Pacquette Avenue is a one-owner property. There are four buildings on the property.</i></p>

	<p><i>Councilor O'Donnell moved to accept the recommendations of the Board of Public Works and the Planning Board; Councilor Sciarra seconded the motion. The motion was approved on a Roll Call Vote of 9 Yes, 0 No.</i></p>
<u>Park Avenue Recommendation</u>	<p><u>Park Avenue Vote:</u> <i>Councilor O'Donnell moved to accept the recommendations of the Board of Public Works and the Planning Board; Councilor LaBarge seconded the motion. The motion was approved on Roll Call Vote of 8 Yes, 0 No, 1 Abstention (Councilor Murphy).</i></p>
<u>Hebert Avenue Recommendation</u>	<p><u>Hebert Avenue Vote:</u> <i>Per Mr. Culhane, this Avenue is located by Smith College. The Planning Department is interested in gaining access to the bike path which is in close proximity to the roadway. Residents on the roadway are not interested in having this become a public way. A right of Way does exist for the City.</i></p> <p><i>Councilor LaBarge moved to accept the recommendations of the Board of Public Works; Councilor Spector seconded the motion. The motion was approved on Roll Call Vote of 9 Yes, 0 No.</i></p> <p><i>Councilor Carney moved to accept the recommendations of the Planning Board; Councilor LaBarge seconded the motion. The motion failed on Roll Call Vote of 0 Yes, 9 No.</i></p>
<u>Approval of City Council Minutes</u>	<p>Minutes of Nov. 20, 2014 City Council</p> <p><i>Councilor Carney moved to approve the City Council Minutes of November 20, 2014; Councilor LaBarge seconded the motion.</i></p> <p><i>Councilor Sciarra noted that the minutes regarding the URB/URC Ordinances do not reflect the full amendment approved on Nov. 20th. The Park Space size approved was 300 square feet or 30 square feet per dwelling unit. The Ordinances correctly reflect the amendment. The motion to approve the minutes as amended was approved on a Voice Vote of 8 Yes, 0 No, 1 Abstention (Councilor Murphy).</i></p>
<u>Reports of Committees, Appointments & Elections</u>	None
<u>Recess for Finance Committee</u>	At 8:30 p.m., the Council broke for the Finance Committee Meeting. The Council reconvened directly following Finance, at 8:40 p.m.
<u>Financial Orders</u>	<ul style="list-style-type: none"> • 14.324 Order to Accept Donation of Granite Mileage Markers (1st Reading) <i>Councilor Adams moved to approve the Order in 1st Reading; Councilor LaBarge seconded the motion. The motion was approved on a Roll Call Vote of 9 Yes, 0 No.</i>
<u>Donation of Granite Marker</u>	
<u>Acquire Land from Peter Baye</u>	<ul style="list-style-type: none"> • 14.325 Order to Acquire Land from Peter Baye (1st Reading) <i>Councilor LaBarge moved to approve the Order in 1st Reading; Councilor Carney seconded the motion. The motion was approved on a Roll Call Vote of 9 Yes, 0 No.</i>
<u>Deed in Lieu of Foreclosure</u>	<ul style="list-style-type: none"> • 14.326 Order to Accept A Deed in Lieu of Foreclosure (1st Reading) <i>Councilor Adams moved to approve the Order in 1st Reading; Councilor O'Donnell seconded the motion. The motion was approved on a Roll Call Vote of 9 Yes, 0 No.</i>
<u>Forbes Library Elevator Project</u>	<ul style="list-style-type: none"> • 14.328 Order for \$99,900 for Forbes Library Elevator Project (1st Reading) <i>Councilor Carney moved to approve the Order in 1st Reading; Councilor LaBarge seconded the motion. The motion was approved on a Roll Call Vote of 9 Yes, 0 No.</i>

Letter from Tori Ecklund read into the record by Councilor LaBarge

Street Petitions
for Clark Street,
Cooke Avenue,
and Massasoit
Avenue

Councilor LaBarge moved to approve the Street Petitions below in second reading as a group; Councilor Spector seconded the motion.

• Petitions to Accept Certain Roadways as Public Ways
(Positive recommendation from BPW & Planning; 2nd Reading)

14.316 Clark Street
14.318 Cooke Avenue
14.319 Massasoit Avenue

All Orders to accept Clark Street, Cooke Avenue and Massasoit Avenue as public ways were approved on a Roll Call Vote of 9 Yes, 0 No.

Clark Street

The following Order passed in second Reading:

City of Northampton
MASSACHUSETTS

In City Council, November 20, 2014

Upon recommendation of the Mayor

Ordered, that

WHEREAS, a petition has been duly filed to layout and accept Clark Street as a public way; and

WHEREAS, the petition has been referred to the Planning Board and to the Board of Public Works; and

WHEREAS, the Board of Public Works has held a duly noticed public hearing on the petition to layout and accept the public way; and

WHEREAS, both the Planning Board and the Board of Public Works have recommended laying out and accepting Clark Street as a public way;

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise, an easement in and over the parcels of land shown as shown as "Clark Street" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated June 16, 2014, for the purpose of laying out, establishing and accepting public ways thereon.

Further, that the City Council hereby lays out, establishes and accepts as a public way the parcels to be acquired hereunder.

And further, that no damages shall be payable as a result of the any taking authorized herein and no betterments shall be assessed as a result of the laying out, establishing and accepting such public way.

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto, does hereby take a perpetual easement for and on behalf of the Inhabitants of the City of Northampton over the parcels referenced below. The purpose of the taking hereunder is the laying out, establishing and accepting of a

public way in and for the City of Northampton in accordance with Mass. Gen Laws ch. 82, and Northampton Code of Ordinances, § 285-31, et seq.

The parcels hereby taken are shown as "Clark Street" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated June 16, 2014, to be recorded herewith. The parcels are more particularly bounded and described as set forth on Exhibit A, attached hereto.

No damages shall be payable as a result of this taking and no betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

EXHIBIT A

Beginning at a point, said point marks the northeasterly corner of a parcel, now or formerly Michael A. Klein & Amy L. Fowler as described in a deed recorded in Book 7145 Page 45 of the Hampshire Registry District, said point being located on the southerly line of Ryan Road, said point bearing N 37°13'19" E, a distance of 131.70 feet from an iron pipe found, said point being the northwesterly corner of the parcel herein described, thence;

N 37°13'19" E along said Ryan Road, a distance of 48.28 feet, to a point, said point marks the westerly line of a parcel, now or formerly Benjamin Borden as described in a deed recorded in Book 10930 Page 104 of the Hampshire Registry District, said point being the northeasterly corner of the parcel herein described, thence;

S 14°32'51" E through said Borden, a distance of 45.31 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 28°42'15" E along said Borden, a distance of 122.56 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 38°19'26" E along said Borden, and land now or formerly Nancy Stark Smith as described in a deed recorded in Book 4452 Page 92 of the Hampshire Registry District, a distance of 175.92 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 30°30'21" E along said Smith, a distance of 49.81 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 18°07'39" E along said Smith, a distance of 76.97 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 07°39'04" E along said Smith, a distance of 69.40 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 01°30'16" W along said Smith, a distance of 6.53 feet to a point, said point marked by an iron pipe found, said point being the northwesterly corner of a parcel, now or formerly Steven R. Aronstein & Diana E. Johnson as described in a deed recorded in Book 7115 Page 180 of the Hampshire Registry District, said point marks the easterly side line of the parcel herein described, thence;

S 01°30'16" W along said Aronstein & Johnson and land now or formerly James & Christine M. Foudy as described in a deed recorded in Book 4525 Page 344 of the Hampshire Registry District, a distance of 236.21 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 02°11'58" W along said Foudy, a distance of 2.09 feet to a point, said point marks the northwesterly corner of a parcel, now or formerly City of Northampton as described in an order of taking recorded in Book 1079 Page 73 and a deed recorded in Book 1110 Page 303 of the Hampshire Registry District, said point marks the easterly side line of the parcel herein described, thence;

S 02°11'58" W along said City of Northampton, a distance of 155.80 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 10°41'18" W along said City of Northampton, a distance of 72.22 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 79°18'42" E through said City of Northampton, a distance of 50.00 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 10°41'18" W through said City of Northampton, a distance of 50.00 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

N 79°18'42" W through said City of Northampton, a distance of 50.00 feet to a point, said point marks the easterly side line of the parcel herein described, thence

S 10°41'18" W through said City of Northampton, a distance of 50.00 feet to a point, said point marks the southeasterly corner of the parcel herein described, thence;

N 79°18'42" W along said City of Northampton, a distance of 33.00 feet to a point, said point marks the easterly line of a parcel, now or formerly Christopher F. & Christine M. Adams as described in a deed recorded in Book 4759 Page 128 of the Hampshire Registry District, said point bearing N 10°41'18" E, a distance of 53.15 feet from an iron pipe found, said point marks the southerly side line of the parcel herein described, thence.

N 79°18'42" W along said Adams, a distance of 10.00 feet to a point, said point marks the southwesterly corner of the parcel herein described, thence;

N 10°41'18" E along said Adams, a distance of 100.00 feet to a point, said point marks the westerly line of the parcel herein described, thence;

S 79°18'42" E along said Adams, a distance of 10.00 feet to a point, said point marks the westerly line of the parcel herein described, thence;

N 10°41'18" E along said Adams, a distance of 69.77 feet to a point, said point marked by an iron pipe found, said point marks the southeasterly corner of a parcel, now or formerly Glenn S. Fagen & Diana L. Ajjan as described in a deed recorded in Book 4388 Page 293 of the Hampshire Registry District, said point marks the westerly side line of the parcel herein described, thence;

N 02°11'58" E along said Fagen & Ajjan, a distance of 155.24 feet to a point, said point marked by an iron pipe found, said point marks the southeasterly corner of a parcel, now or formerly Jenny Mirian Hein as described in a deed recorded in Book 5948 Page 121 of the Hampshire Registry District, said point marks the westerly side line of the parcel herein described, thence;

N 01°30'16" E along said Hein, a distance of 233.37 feet to a point, said point marks the southeasterly corner of a parcel, now or formerly Hans F. & Ilse I. Lieberwirth as described in a deed recorded in Book 1202 Page 230 of the Hampshire Registry District, said point marks the westerly side line of the parcel herein described, thence;

N 07°39'04" W along said Lieberwirth, a distance of 63.74 feet to a point, said point marks the westerly side line of the parcel herein described, thence;

N 18°07'39" W along said Lieberwirth, a distance of 70.37 feet to a point, said point marks the southeasterly corner of a parcel, now or formerly Michael B. Gormely III & Donna L. Gormely as described in a deed recorded in Book 2160 Page 11 of the Hampshire Registry District, said point marks the westerly side line of the parcel herein described, thence;

N 30°30'21" W along said Gormely, a distance of 43.98 feet to a point, said point marks the westerly side line of the parcel herein described, thence;

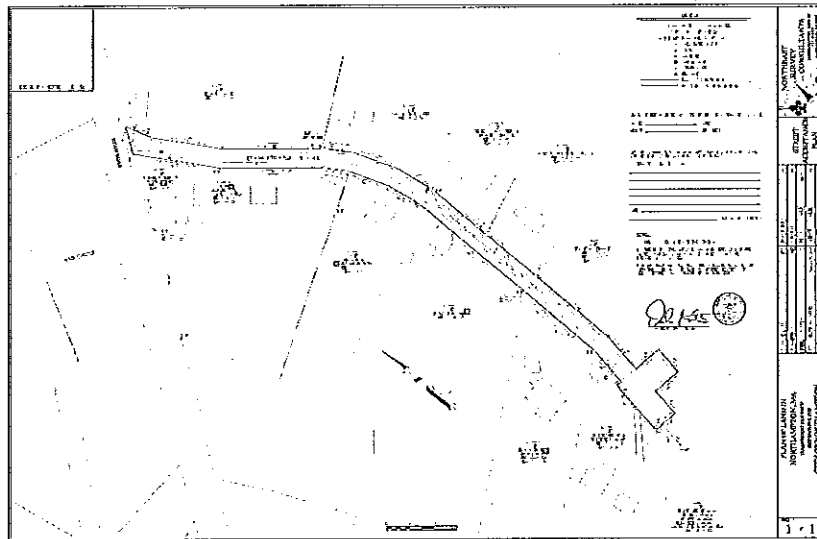
N 38°19'26" W along said Gormely, a distance of 176.44 feet to a point, said point marked by an iron pipe found, said point marks the westerly side line of the parcel herein described, thence;

N 28°42'15" W along said Gormely, and land of said Michael A. Klein & Amy L. Fowler a distance of 149.58 feet to the point of beginning.

The above described parcel contains 39,397 square feet more or less, being depicted as Clark Street on a plan entitled, "Street Acceptance Plan, Plan of Land in Northampton MA, Hampshire County, prepared for The City of Northampton", dated 06-16-2014. Prepared by Northeast Survey Consultants.

The basis of bearing being the Massachusetts Coordinate System NAD 83

Being a portion of the premises conveyed in the following deeds recorded in the Hampshire Registry of Deeds: Book 10930, Page 104, Book 4452, Page 92, Book 7115, Page 180, Book 4525, Page 344, Book 1079, Page 73, Book 1110, Page 303, Book 4759, Page 128, Book 4388, Page 293, Book 5948, Page 121, Book 1202, Page 230, Book 2160, Page 11, Book 7145, Page 45.



Enrolled

Cooke Avenue

Rules suspended, passed two readings and Enrolled.

The following Order passed in second Reading:

City of Northampton
MASSACHUSETTS

In City Council, November 20, 2014

Upon recommendation of the Mayor

Ordered, that

WHEREAS, a petition has been duly filed to layout and accept Cooke Avenue as a public way; and

WHEREAS, the petition has been referred to the Planning Board and to the Board of Public Works; and

WHEREAS, the Board of Public Works has held a duly noticed public hearing on

WHEREAS, the petition to layout and accept the public way; and both the Planning Board and the Board of Public Works have recommended laying out and accepting Cooke Avenue as a public way;

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise, an easement in and over the parcels of land shown as shown as "Cooke Avenue" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated June 12, 2014, for the purpose of laying out, establishing and accepting public ways thereon.

Further, that the City Council hereby lays out, establishes and accepts as a public way the parcels to be acquired hereunder.

And further, that no damages shall be payable as a result of any taking authorized herein and no betterments shall be assessed as a result of the laying out, establishing and accepting such public way.

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto, does hereby take a perpetual easement for and on behalf of the Inhabitants of the City of Northampton over the parcels referenced below. The purpose of the taking hereunder is the laying out, establishing and accepting of a public way in and for the City of Northampton in accordance with Mass. Gen Laws ch. 82, and Northampton Code of Ordinances, § 285-31, et seq.

The parcels hereby taken are shown as "Cooke Avenue" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated June 12, 2014, to be recorded herewith. The parcels are more particularly bounded and described as set forth on Exhibit A, attached hereto.

No damages shall be payable as a result of this taking and no betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

EXHIBIT A

Beginning at a point, said point being the southwesterly corner of a parcel, now or formerly Laurel Ridge Realty Associates Limited Partnership as described in a deed recorded in Book 4577 Page 304 of the Hampshire Registry District, said point being marked by a concrete bound found, said point being located on the northerly sideline of Hatfield Street, said point being the southeasterly corner of the parcel herein described, thence;

S 44°34'04" W along said Hatfield Street, a distance of 51.08 feet, to a point, said point being marked by a concrete bound found, said point being the southeasterly corner of land now or formerly Christopher Bakker & Rebecca Scandura as described in a deed recorded in Book 10162 Page 258, said point being located on the northerly sideline of Hatfield Street, said point being the southwesterly corner of the parcel herein described, thence;

N 34°01'08" W along said Bakker & Scandura, a distance of 143.50 feet to a point, said point being marked by a concrete bound found, said point being the southeasterly corner of land now or formerly Tharen A. Pawloski as described in a deed recorded in Book 4050 Page 229, said point being on the westerly sideline of the parcel herein described, thence;

N 25°18'19" W along said Pawloski, a distance of 150.05 feet to a point, said point

being marked by a concrete bound found, said point being the northeasterly corner of said Pawloski, said point being located on the southerly sideline of Emily Lane, said point being on the westerly sideline of the parcel herein described, thence;

N 19°53'20" W along the eastern terminus of said Emily Lane, a distance of 60.00 feet to a point, said point being marked by a concrete bound found, said point being the northeasterly corner of said Emily Lane, said point being the southeasterly corner of land now or formerly Julie Abramson as described in a deed recorded in Book 7275 Page 215, said point being on the westerly sideline of the parcel herein described, thence;

N 17°14'54" W along said Abramson, land now or formerly Mary A. Senuta & Ellen Dubois, as described in a deed recorded in Book 11590 Page 228, a distance of 320.00 feet to a point, said point being marked by a concrete bound found, said point marks the southeasterly corner of a parcel, now or formerly Sandra & Richard Ciach as described in a deed recorded in Land Court Book 21 Page 92 as Document No. 18252, point being on the westerly sideline of the parcel herein described, thence;

N 17°27'28" W along said Ciach, a distance of 33.77 feet to a point, said point being marked by a concrete bound found, said point being on the westerly sideline of the parcel herein described, thence;

N 33°44'51" W along said Ciach, land now or formerly Michele Turner Bernhard & Geoffrey T. Friedman, as described in a deed recorded in Land Court Book 20 Page 81 as Document No. 17662, a distance of 334.84 feet to a point, said point being marked by an iron pipe found, said point being the southeasterly corner of land now or formerly Jeremy T. Kochapski, as described in a deed recorded in Land Court Book 20 Page 70 as Document No. 16201, said point being on the westerly sideline of the parcel herein described, thence;

N 48°14'39" W along said Kochapski, a distance of 30.00 feet to a point, said point being on the easterly sideline of said Kochapski, said point being the southwesterly corner of land now or formerly Pines Edge Condominium Trust, as described in a deed recorded in Book 3661 Page 250, said point being on the northwesterly corner of the parcel herein described, thence;

N 41°45'21" E along said Pines Edge Condominium Trust, a distance of 50.00 feet to a point, said point being marked by a concrete bound found, said point being on the northeasterly corner of the parcel herein described, thence;

S 48°14'39" E along said Pines Edge Condominium Trust, a distance of 10.86 feet to a point, said point being marked by a concrete bound found, said point being the northerly sideline of Pines Edge Drive, said point being on the easterly line of the parcel herein described, thence;

S 48°14'39" E along said Pines Edge Drive, a distance of 25.50 feet to a point, said point being marked by a concrete bound found, said point being the being the westerly terminus of said Pines Edge Drive, said point being on the easterly line of the parcel herein described, thence;

S 33°44'51" E along said Pines Edge Drive, a distance of 88.24 feet to a point, said point being marked by a concrete bound found, said point being the southerly sideline of Pines Edge Drive, said point being a westerly corner of said Pines Edge Condominium Trust, said point being on the easterly line of the parcel herein described, thence;

S 33°44'51" E along said Pines Edge Condominium Trust, a distance of 184.38 feet to a point, said point being marked by a concrete bound found, said point being the southwesterly corner of said Pines Edge Condominium Trust, said point being the northwesterly corner of land now or formerly Mary A. Skibiski, as described in a deed recorded in Book 9765 Page 314, said point being on the easterly line of the

parcel herein described, thence;

S 33°21'35" E along said Skibiski, a distance of 78.47 feet to a point, said point being marked by a concrete bound found, said point being the northwesterly corner of said Laurel Ridge Realty Associates Limited Partnership, said point being on the easterly line of the parcel herein described, thence;

S 17°41'51" E along said Laurel Ridge Realty Associates Limited Partnership, a distance of 281.21 feet to a point, said point being on the easterly line of the parcel herein described, thence;

S 15°56'51" E along said Laurel Ridge Realty Associates Limited Partnership, a distance of 78.77 feet to a point, said point being marked by a concrete bound found, said point being on the easterly line of the parcel herein described, thence;

S 20°12'41" E along said Laurel Ridge Realty Associates Limited Partnership, a distance of 58.05 feet to a point, said point being marked by a concrete bound found, said point being on the easterly line of the parcel herein described, thence;

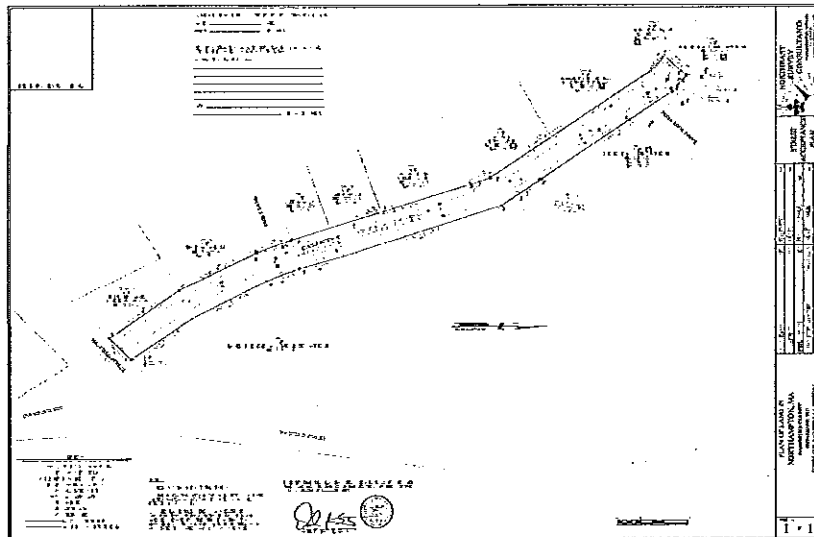
S 25°57'01" E along said Laurel Ridge Realty Associates Limited Partnership, a distance of 141.88 feet to a point, said point being on the easterly line of the parcel herein described, thence;

S 33°40'41" E along said Laurel Ridge Realty Associates Limited Partnership, a distance of 126.78 feet to the point of beginning.

The above described parcel contains 54,444 square feet more or less, being depicted as Cooke Avenue on a plan entitled, "Street Acceptance Plan, Plan of Land in Northampton MA, Hampshire County, prepared for The City of Northampton", dated 06-12-2014. Prepared by Northeast Survey Consultants.

The basis of bearing being the Massachusetts Coordinate System NAD 83

Being a portion of the premises conveyed in the following deeds recorded in the Hampshire Registry of Deeds: Book 10162, Page 258, Book 4050, Page 229, Book 7275, Page 215, Book 11590, Page 228, Book 3661, Page 250 (Master Deed), Book 9765, Page 314, Book 4577, Page 304.



Enrolled

Massasoit
Avenue

Rules suspended, passed two readings and Enrolled.

The following Order passed in second reading:

City of Northampton

MASSACHUSETTS

In City Council, November 6, 2014

Upon recommendation of the Mayor

Ordered, that

WHEREAS, a petition has been duly filed to layout and accept Massasoit Avenue as a public way; and

WHEREAS, the petition has been referred to the Planning Board and to the Board of Public Works; and

WHEREAS, the Board of Public Works has held a duly noticed public hearing on the petition to layout and accept the public way; and

WHEREAS, both the Planning Board and the Board of Public Works have recommended laying out and accepting Massasoit Avenue as a public way;

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise, an easement in and over the parcels of land shown as shown as "Massasoit Avenue" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated May 27, 2014, for the purpose of laying out, establishing and accepting public ways thereon.

Further, that the City Council hereby lays out, establishes and accepts as a public way the parcels to be acquired hereunder.

And further, that no damages shall be payable as a result of any taking authorized herein and no betterments shall be assessed as a result of the laying out, establishing and accepting such public way.

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto, does hereby take a perpetual easement for and on behalf of the Inhabitants of the City of Northampton over the parcels referenced below. The purpose of the taking hereunder is the laying out, establishing and accepting of a public way in and for the City of Northampton in accordance with Mass. Gen Laws ch. 82, and Northampton Code of Ordinances, § 285-31, et seq.

The parcels hereby taken are shown as "Massasoit Avenue" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated May 27, 2014, to be recorded herewith. The parcels are more particularly bounded and described as set forth on Exhibit A, attached hereto.

No damages shall be payable as a result of this taking and no betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

Excepting and excluding from this taking any and all water and sewer lines within the layout hereby established, which water and sewer lines shall be the responsibility of the owners of the fee interest in the way.

EXHIBIT A

Beginning at a point, said point marks the northwesterly corner of a parcel, now or formerly Mikkell C. & Shauneen S. Kroll as described in a deed recorded in Book 1334 Page 119 of the Hampshire Registry District, said point being located on the easterly line of Massasoit Street, said point being marked by a stone bound found, said point being the southwesterly corner of the parcel herein described, thence;

N 35°58'12" E along said Massasoit Street, a distance of 15.00 feet, to a point, said point marks the southwesterly corner of a parcel, now or formerly Andrew Pollack & Barbara P. Tytell as described in a deed recorded in Book 3781 Page 36, said point being located on the easterly line of Massasoit Street, said point being the northwesterly corner of the parcel herein described, thence;

S 55°09'35" E along said Pollack & Tytell, land now or formerly David H. Brewer & Jocelyn A. Young, as described in a deed recorded in Book 11682 Page 347, a distance of 200.84 feet to a point, said point marks the westerly line of a parcel, now or formerly Brian Burrell, as described in a deed recorded in Book 4733 Page 224, said point being the northeasterly corner of the parcel herein described, thence;

S 37°14'56" W along said Burrell and land now or formerly Elise G. Young as described in a deed recorded in Book 6887 Page 295, a distance of 11.86 feet, to a point, said point being marked by an iron rod found, thence;

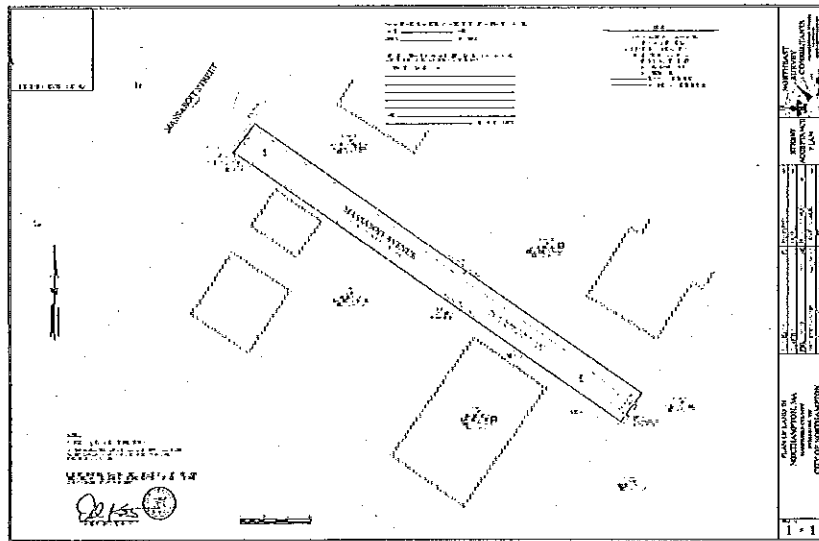
S 37°14'56" W along said Young, a distance of 3.15 feet to a point, said point marks the northeasterly land now or formerly Charles E. & Blanche S. Derby, Co-Trustees of the Revocable Indenture of Trust of Blanche Derby, as described in a deed recorded in Book 11217 Page 302, said point being the southeasterly corner of the parcel herein described, thence;

N 55°09'35" W along said Derby, land of said Kroll, a distance of 200.51 feet to the point of beginning.

The above described parcel contains 3,010 square feet more or less, being depicted as Massasoit Avenue on a plan entitled, "Street Acceptance Plan, Plan of Land in Northampton MA, Hampshire County, prepared for The City of Northampton ", dated 05-27-2014. Prepared by Northeast Survey Consultants.

The basis of bearing being the Massachusetts Coordinate System NAD 83

Being a portion of the premises conveyed in the following deeds recorded in the Hampshire Registry of Deeds: Book 3781, Page 36, Book 11682, Page 347, Book 11217, Page 302, Book 334, Page 119.

EnrolledRules suspended, passed two readings and Enrolled.Orders & OrdinancesOrder to Add DPW Committee to City Council Rules

14.311 Order to Modify Council Rules to Add DPW Committee (1st Reading)

Councilor LaBarge moved to approve the Order in 1st Reading; Councilor O'Donnell seconded the motion. The motion was approved on a Roll Call Vote of 9 Yes, 0 No.

Middle Street, Florence – Limited & No Parking Certain Times Ordinances

14.320 & 14.321 Ordinances for Middle Street Florence Limited and No Parking Certain Times

Councilor Murphy moved to approve the Ordinances in 1st Reading as a group; Councilor LaBarge seconded the motion.

These Ordinances were listed on the agenda to be referred to the Comm. on Rules, Orders, Appointments and Ordinances. Councilor Murphy informed the Council that the two Ordinances had previously received a positive recommendation from the ROAO Committee and recommended a first reading.

Vote Postponed to Dec. 18, 2014

Councilor Adams moved to postpone a Council Vote until the Dec. 18th, 2014 City Council meeting to be sure that the Public was aware of the Council Vote; Councilor O'Donnell seconded the motion. The motion was approved on voice vote of 9 Yes, 0 No.

Repeal Parking Prohibited All Times for a Section of New South Street

14.327 Ordinance for Repealing Parking Prohibited All Times for a section of New South Street (Code Section 312-102)
(Refer to Comm. on Rules, Orders, Appointments and Ordinances & Transportation and Parking Commission)

Referred

Councilor Murphy moved to refer the Ordinance to the TPC & Committee on Rules, Orders, Appointments and Ordinances; Councilor Spector seconded the motion. The Ordinance was referred on a Voice Vote of 9 Yes, 0 No.

Ordinances in support of Mayor's Administrative Order

Ordinances in support of Mayor Narkewicz's Administrative Order (Positive recommendation from the Committee on Rules, Orders, Appointments and Ordinances; 2nd Reading)

14.253 Ch 22 1-4: Ordinance Community Preservation Committee

14.254 Ch 111 1-3: Ordinance regarding Agriculture

14.259 Ordinance to Delete Certain Sections
14.288 Ch 40: Ordinance regarding Enforcing Officers and Penalties for Noncriminal Disposition
14.297 Ch 290: Ordinance regarding Subdivision of Land
14.289 Ch 229: Ordinance regarding Parades and Processions
14.287 Ch 149 § 1-4: Numbering of Buildings
14.293 Ch 337: Ordinance regarding Wetlands Protection
14.291 Ch 256: Ordinance regarding Article I - Sewer Assessments, Billing and General Regulations
14.292 Ch 264: Ordinance regarding Signs
14.294 Ch 278: Ordinance regarding Storm Drains
14.295 Ch 280: Ordinance regarding Stormwater and Flood Control Utility
14.296 Ch 281: Ordinance regarding Stormwater Management
14.290 Ch 285: Ordinance regarding Streets, Sidewalks, & Public Property
14.298 Ch 303-5: Ordinance regarding Temporary Events
14.299 Ch 312 sec 14: Ordinances regarding Traffic Signs & Signals
14.300 Ch 316: Ordinance regarding Horse-Drawn Carriages
14.301 Ch 325: Ordinance regarding Water
14.286 Ch 272 : Ordinance for Solid Waste

Councillor Murphy moved to approve the Ordinances in 2nd Reading as a group; Councillor Carney seconded the motion. The Ordinances were approved in second reading on a Roll Call Vote of 9 Yes, 0 No.

The following Ordinance passed in second reading:

Community
Preservation
Committee
Ordinance

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand Fourteen and

UPON THE RECOMMENDATION OF Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances City of Northampton, Massachusetts, be amended by revising section 22§ 1-4 of said Code providing that

Community Preservation Committee

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows,

That section **Ch. 22§ 1-4** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 22 § 1-4

Rename Ch. 22 from Commissions and Committees to Community Preservation Committee

Delete Ch. 22 § 128-131 in its entirety and add in place thereof:

§ 22-1. Establishment.

There is hereby established a Community Preservation Committee, in accordance with the Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act, consisting of nine voting members pursuant to MGL Chapter 44B.

§ 22-2. Membership; terms.

A.

The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

(1)

One current member of the Conservation Commission as designated by said Commission for an initial term of one year, and thereafter for a term of three years.

(2)

One current member of the Historic Commission as designated by said Commission for an initial term of two years, and thereafter for a term of three years.

(3)

One current member of the Planning Board as designated by said Board for a term of three years.

(4)

One current member of the Parks and Recreation Commission as designated by said Commission for a term of three years.

(5)

One current member of the Housing Authority as designated by said Authority for an initial term of two years, and thereafter for a term of three years.

(6)

Two persons be elected at large for four-year terms in the next municipal election following the Charter change approving their election.

(7)

Two members of the public to be appointed by the Mayor for an initial term of one year, and thereafter for a term of three years.

B.

Committee members shall be classified as special municipal employees for the purpose of Chapter 268A of the Massachusetts General Laws.

C.

If any appointed Committee member misses half of the scheduled meetings of the Committee during any calendar year, the Chair shall review the absences of the Committee member and the Chair shall recommend appropriate action to the City Council.

D.

The commissions, boards, or authorities who have appointment authority under this article shall appoint such representatives within 45 days of the effective date of this article, and said names shall be forwarded to the City Council for approval.

E.

In addition, all commissions, boards or authorities who have appointment authority under this article shall appoint an alternate representative for each such position, within 45 days of the effective date of this article, to ensure attendance in the event the primary representative cannot attend a Committee meeting. Said names shall be forwarded to the City Council for approval.

F.

Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the commissions, boards or authorities who have appointment authority under this article shall appoint a new representative within 45 days of the first date of vacancy or resignation, otherwise said vacancy may be filled by the City Council. Said names shall be forwarded to the City Council for approval.

G.

Should any of the commissions, boards, or authorities who have appointment authority under this article be no longer in existence for whatever reason, the appointment authority for that commission, board or authority shall become the responsibility of the City Council.

§ 22-3. Powers and duties.

The Community Preservation Committee shall study the needs, possibilities and

resources of the City regarding community preservation. The Committee shall consult with existing municipal boards, including the Mayor, City Council, Conservation Commission, the Historic District Commission, Agricultural Commission, Housing Authority, Youth Commission, Council on Aging, Public Shade Tree Commission, the Planning Board, the Parks and Recreation Commission, the Housing Partnership and the Department of Public Works, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the City of Northampton regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the City.

A.

The Community Preservation Committee shall make recommendations to the City Council for the acquisition and preservation of open space which includes parks, conservation land, wildlife preserves, public drinking water supplies and scenic areas, farmland and forests; for the acquisition and restoration of historic buildings and sites; and for the creation and preservation of affordable housing. At least 10% of the funds for each fiscal year will be spent, or reserved for later spending, on each of the three community preservation purposes; open space, historic resources and affordable housing.

B.

The Community Preservation Committee may include in its recommendation to the City Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

§ 22-4. Officers; rules and regulations.

A.

Officers. The Committee shall annually elect one of its members as Chair and one of its members as Vice-Chair. In the event a Chair is unavailable, the Vice-Chair shall run the meeting, and in the event the Vice-Chair is unavailable the most senior member of the Committee shall chair the Committee.

B.

Rules and regulations. By majority vote of the members of the Committee, the Committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the Committee's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), ordinance, or other legal right or authority granted to or conferred upon the Committee.

(1)

The proposed rule or regulation shall be submitted to all Committee members at least 48 hours prior to any vote to adopt the same; provided, however, the Committee may make such amendments to the proposed rules or regulations as it deems appropriate at the meeting.

(2)

Upon approval of any rule or regulation by the Committee, a copy of the same shall be filed with the City Clerk and become effective as of the date of filing thereof unless the specific vote of the Committee establishes a later effective date.

Ordained &
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Fourteen

UPON THE RECOMMENDATION OF Mayor David J. Narkewicz

ORDINANCE

Agriculture
Ordinance

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances City of Northampton, Massachusetts, be amended by revising section 111§ 1-3 of said Code providing that **Agriculture**

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows

Section 1. That section Ch. 111§ 1-3 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

"SECTION 111 § 1-3

Amend § 1-3 of Chapter 111 as follows:

§ 111-1. Purpose and mission statement

B.

Due to Northampton's growing desire to protect agricultural land in the community, this chapter establishes the ~~Agricultural Commission~~ and a right to farm. The mission of this chapter is to provide a voice and a network for farmers within Northampton, while, at the same time, to maintain farmland and agricultural-based opportunities in the City for the benefits of its citizens and future generations.

§ 111-2. Membership of Agricultural Commission

Reserved: See Administrative Order

§ 111-3. Commission Duties

Reserved: See Administrative Order

Ordained &
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Fourteen

UPON THE RECOMMENDATION OF Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances City of Northampton, Massachusetts, be amended by revising section - § - of said Code providing that

Ordinance to
Delete sections of
Code Book

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows

Section 1. That section - § - of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

"Section SECTION - § -

Delete the following:

Chapter 9 Affordable Housing Trust
Chapter 16 Claims
Chapter 22 Commissions and Committees
Chapter 28 Departments
Chapter 37 Emergency Management
Chapter 44 Finances
Chapter 48 Fire Department
Chapter 55 Health, Board and Department of
Chapter 70 Maps and Records
Chapter 73 Meetings
Chapter 76 Officers & Employees
Chapter 82 Personnel
Chapter 89 Planning
Chapter 93 Police Department
Chapter 145 Building Regulations
- Article I Building Department
Chapter 153 Cemeteries

Delete the following sections:

- Section 1 Control by the Board of Public Works
- Section 2 Appointment of Superintendents and Caretakers
- Section 3 Recordkeeping and Report required by Board of Public Works

Add in place thereof: Reserved: See Administrative Order

Chapter 156 Central Business and West Street Architecture

Delete the following section:

- Section 3 Central Business Architecture Committee

Add in place thereof: Reserved: See Administrative Order

Chapter 195 Historic Districts

Delete the following sections:

- Section 3 Historic District Commission
- Section 4 Powers and Duties of Commission

Add in place thereof: Reserved: See Administrative Order

Chapter 264 Signs

- Article II Banners

**Ordained &
Enrolled**

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

**Ordinance
pertaining to
Non-Criminal
Officers,
Penalties and
Dispositions**

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §40-5 of said code; providing that *List of enforcing officers and penalties for noncriminal disposition*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section §40-5 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 40 – 5**§ 40-5. List of enforcing officers and penalties for noncriminal disposition**

§§ 149-1 through 149-4	City Engineer Director of Public Works or his/her designee	\$20
§§ 149-5 through 149-7	City Engineer Director of Public Works or his/her designee	\$10
§§ 256-9, 259-11, 256-12	City Engineer Director of Public Works or his/her designee	\$50
§ 272-2	City Engineer Director of Public Works or his/her designee	\$50
§§ 285-4 (excluding Subsection C) to 285-6, 285-9, 285-13, 285-16, 285-19, 285-21, 285-22, 285-29, 285-30	City Engineer Director of Public Works or his/her designee	\$50
Ch. 325, Art. I	City Engineer	\$50
Ch. 325, Art. II	Board Director of Public Works or his/her designee	First offense: \$100 Second and subsequent offenses: \$200

**Ordained &
Enrolled.**

Rules suspended, passed two readings, Ordained and Enrolled.

**Ordinance
pertaining to
Parades and
Processions**

The following Ordinance passed in second reading:

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 229 § 8 of said code; providing that *Building, Numbering Of PARADES AND PROCESSIONS*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 229 §8 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 229 § 8 – Amend as follows:

Chapter 229. PARADES AND PROCESSIONS

§ 229-8. Officials to be notified.

Immediately upon the granting of a permit for a parade or motorcade the Chief of Police shall sent a copy thereof to the following:

C.

The Director of the Board Department of Public Works.

Rules suspended, passed two readings, Ordained and Enrolled.

Ordained and
Enrolled

Ordinance
pertaining to
Subdivision of
Land

The following Ordinance passed in second reading:

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 290 of said code; providing that *Subdivision of Land*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 290 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 290 – Subdivision of land

Chapter 290. SUBDIVISION OF LAND

Article II. Definitions

§ 290-4. Terms defined

CITY ENGINEER

The City Engineer of Northampton or designee.

DIRECTOR OF PUBLIC WORKS

The Director of Public Works of Northampton or his/her designee.

§ 290-27. Submission of revised plans, additional materials, etc

B.

(2)

(e)

Deviations from material and construction specifications shall not be allowed, except as specifically authorized by the Planning Board, upon consultation with the City Engineer Director of Public Works.

§ 290-40. Construction (stakes) staking

Developers shall employ, at their own expense, a professional engineer or a registered land surveyor to set all lines and grades in a manner satisfactory to the City Engineer Director of Public Works and in accordance with the provisions of Section 5:07 of the Standard Specifications.

§ 290-41. Site and earthwork

D.

In a cut area all material shall be removed to subgrade. All unsuitable material, such as peat, highly organic silt or clay, or any other material that, in the opinion of the ~~City Engineer~~ **Director of Public Works**, is considered to be detrimental to the subgrade, shall be removed and shall be replaced by bank-run gravel, and be brought to proper compaction with a ten-ton roller.

I.

Inspections shall be required upon completion of the subgrade by the ~~City Engineer~~ **Director of Public Works**.

§ 290-42. Pavement structure

C.

Inspections shall be required by the ~~City Engineer~~ **Director of Public Works** upon completion of each layer of subbase and the binder and surface courses.

§ 290-55. Other utilities

Materials and construction methods shall be in accordance with the requirements of the involved utility company after said requirements have been approved by the ~~City Engineer~~ **Director of Public Works** and appropriate City departments.

Article VIII. Administration

§ 290-59. Inspection and control

B.

The Planning Board shall notify the ~~City Engineer~~ **Director of Public Works** and the developer in writing that the subdivision has been approved and all the necessary approved plans and documents have been recorded at the Hampshire County Registry of Deeds; therefore, construction can commence. Prior to commencement of construction, the developer, the projects' engineer/surveyor, and the designated contractor shall attend a preconstruction conference which shall be arranged in consultation with the ~~City Engineer~~ **Director of Public Works** and Planning Board staff. Construction shall not commence on any portion of the subdivision until this condition has been met. Any project that does commence before this preconstruction conference shall be shut down for a minimum of one week to allow this coordination.

D.

In addition to the privatized project engineer, the ~~City Engineer~~ **Director of Public Works** shall be notified at the appropriate time to make the following inspections; and the project shall not proceed until these inspections take place or the City provides a written notice that they will not undertake these inspections.

E.

Unless each phase of the work, including the materials used on the project, have been inspected by the ~~City Engineer~~ **Director of Public Works**; no further work shall be done on any other phase of construction.

F.

Inspections shall be requested by the applicant two working days in advance by notice to the ~~City Engineer~~ **Director of Public Works**.

G.

Inspections by the ~~City Engineer~~ **Director of Public Works** will in no way relieve

the developer, contractor or project professional engineer of responsibility in ensuring that all materials and all construction meet all standards as stated in these rules and regulations.

I.

The developer shall present proof, at his own expense, by a qualified person/firm, to be approved by the ~~City Engineer~~ **Director of Public Works**, that the gravel to be used on the project meets state specifications.

§ 290-62. Material testing

The developer shall test, upon the request of the ~~City Engineer~~ **Director of Public Works** and at the developer's own expense, all materials to be used in the construction of the public ways. The tests shall be conducted by qualified firms/individuals that have been approved by the ~~City Engineer~~ **Director of Public Works**.

**Ordained and
Enrolled**

Rules suspended, passed two readings, Ordained and Enrolled.

**Ordinance
pertaining to
Numbering of
Buildings**

The following Ordinance passed in second reading:

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 149 §1-4 of said code; providing that *Buildings, Numbering of*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 149 §1-4 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

**SECTION 149 § 1-4 – Buildings, Numbering of
Amend § 1-4 as follows:**

Article I. Numbering of Buildings

§ 149-1. Numbering of buildings required.

A.

Every owner, occupant or person having control of any principal building on property which has been assigned a number by the ~~Board~~ **Department of Public Works** shall, at their own expense, cause said building to be numbered with numeric figures at least three inches in height, in contrasting color to the background and conspicuously placed facing the road according to the directions of the ~~City Engineer~~ **Director of Public Works or his/her designee** and/or any public safety officer as follows:

(1)

The ~~City Engineer~~ **Director of Public Works or his/her designee** and/or any public safety officer shall use the following guidelines on any building situated more than 80 feet from the road layout: Each person shall place numbers in a conspicuous location not more than three feet from the edge of the driveway and not more than 10 feet from the road layout. Numbers shall be placed on a freestanding pole or post between four and six feet in height, above ground

level, and shall face the road.

(2)

Buildings less than 80 feet from the road layout with a view obstructed by vegetation or other materials preventing visibility from the road will follow the guidelines in Subsection A.

(3)

In the case of common or shared drives, property owners will adequately display all building numbers on a freestanding post, as described in Subsection A above, which can be easily viewed in all seasons, at the entrance to the drive, and such owners shall provide additional marking, as previously stated, which shall be posted at appropriate junctions in the drive to facilitate immediate response by emergency service personnel.

B.

Every owner, occupant or person having control of any apartment or group of apartments, condominiums, industrial and/or commercial buildings shall cause each principal building to bear the number assigned by the ~~Board~~ **Department of Public Works** on the front entrance of each unit. In case a principal building is occupied by more than one business or family dwelling unit, each separate unit shall bear a separate number or letter (A, B, C, etc.).

C.

Every owner, occupant or person having control of any principal building on property in the City, which at the time of adoption of this article is in compliance with this § 149-1, shall not be required to increase the size of numbers on their dwelling; the burden of proof to show compliance shall be on the homeowner.

§ 149-2. Manner of numbering.

A.

Said numbers shall, in the business portions of the City, cover a frontage of 10 feet more or less and, in the residence portions of the City, a frontage of 25 feet more or less, at the discretion of the **Director of Public Works** or his/her designee ~~City Engineer~~, and be measured continuously from the end of the street, lane, alley or court.

B.

When lot driveway access is permitted by the Planning Board, Zoning Board, or Zoning Board of Appeals at a location other than the lot frontage, the **Director of Public Works** or his/her designee ~~City Engineer~~ may assign a house number at the street, lane, alley or court where the driveway is located for safety reasons. When a building is built close to the street line with the clear intention of providing a presence on that street, the City Engineer may assign house numbers for the street adjacent to the building and/or may assign multiple numbers on multiple streets, regardless of the location of the driveway or other buildings on the same property, provided such street number will not slow emergency response.

C.

The odd numbers shall be on the right side of the street going from the principal street from which it leads, and the even numbers opposite the smaller odd numbers.

§ 149-3. Assignment of new numbers.

The **Director of Public Works** or his/her designee ~~City Engineer~~ shall assign a new number wherever he finds that the number in use is incorrect, but he shall not have authority to renumber a street unless so ordered by the Planning Board.

§ 149-4. Violations and penalties.

Any owner, occupant, or person having control of any dwelling house or other building who shall refuse or neglect to comply with the provisions of this article within then 10 days after a notice in writing is delivered to such owner, occupant, or

person, of the number or numbers assigned said buildings by the **Director of Public Works or his/her designee City Engineer**, shall for each and every offense, forfeit and pay a penalty as set forth in Chapter 40, Enforcement.

**Ordained &
Enrolled**

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

**Ordinance
pertaining to
Wetlands
Protection**

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 337 § 5 & 7 of said code; providing that *Wetlands Protection*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 337 § 5 & 7 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 337 § 5 & 7 –

Chapter 337 WETLANDS PROTECTION

§ 337-5. Requests for determinations and permit applications

B.

Written permit application shall be filed with the Commission to perform activities regulated by this chapter affecting resource areas protected by this chapter. The application shall include at least two copies of all plans, forms, and such information as is deemed necessary by the Commission to describe proposed activities and their effects on the environment and must include permission for the Commission and its agents to enter the property for the purpose of evaluating the request and monitoring the project. When applications include drainage calculations or the design of any facility that will be dedicated to the City of Northampton, one copy of the application shall be delivered to the **City Engineer Director of Public Works or his/her designee**. No activities shall commence without receiving and complying with a permit issued pursuant to this chapter.

§ 337-7. Coordination with other boards

The Commission shall provide copies of its agenda to the Planning Department, **City Engineer Director of Public Works or his/her designee** and Building Inspector. The Commission shall not take final action until five working days after such officials have received their notice of the application. The Commission shall consider recommendations from those officials and any other city boards and officials but they shall not be binding on the Commission.

**Ordained and
Enrolled**

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

City of Northampton
MASSACHUSETTS

Ordinance
pertaining to
Sewer

Assessments,
Billing & General
Regulations

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 256 – Article I of said code; providing that *Sewer Assessments, Billing and General Regulations*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 256 – Article I of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 256 - Article I- – Sewer Assessments, Billing and General Regulations

Delete Section 256 - in its entirety and add in place thereof

§ 256-2. Assessment for drains or sewers running from main drains or common sewers on private land

The owner of any land benefited by the laying out and construction of a particular drain or sewer from a main drain or common sewer to any portion of his land shall be assessed for the actual cost of such particular drain or sewer and the Board Department of Public Works may require that an applicant for a connection of his land with a main drain or common sewer shall pay in advance an amount equal to the estimated assessment therefor, which shall be applied to the payment for the assessment, and the remainder, if any, shall be repaid to the applicant.

§ 256-3. Billing procedures for sewer use

A.

Every person, corporation, or entity who discharges wastewater into a sanitary sewer system of the City of Northampton shall be charged for use of said sewer at the then-current annual rate set by the Board of Public Works.

§ 256-4. Assessment for construction of main drains and common sewers in public ways

A.

Three quarters of the cost of laying out and constructing any main drain or common sewer shall be assessed against the owner of the land abutting on the land or way in which the main drain or common sewer is laid out and constructed as hereinafter provided; provided, however, that no assessment in respect to any land which by reason of its grade or level or any other cause cannot be drained into such main drain or common sewer shall be made until such incapacity is removed; and provided, further, that if land assessed abuts upon more than one way, assessments shall be assessed upon the frontage upon one such way and upon so much of the frontage upon such other way as is not exempted by the Board Department of Public Works, and the Board Department may exempt from assessments so much of the frontage upon such other way as it considers just and equitable.

B.

The assessments provided for in Subsection A shall be assessed at a fixed uniform rate based upon the estimated average cost of all the main drains and common sewers in the City as determined from time to time by the Board Department of Public Works and shall be assessed against the owner of the land abutting upon the land or way in which such main drain or common sewer is laid out and constructed

according to the frontage of the land assessed upon such land or way, and according to the area of the land assessed within a fixed depth of 120 feet from such land or way.

C.

The Board Department of Public Works may extend the time for the payment of assessments for main drains and common sewers upon land which is not built upon at the time of such assessment until it is built upon or for a fixed time, but interest at the rate of 4% per annum shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid within three months after such land is built upon or at the expiration of such fixed time.

D.

The owners of land or parts thereof not liable to assessment for construction or use of the main drains and common sewers of the City may use such main drains or common sewer for the disposal of their sewage from such land only on payment of such reasonable amount as the Board Department of Public Works shall determine.

§ 256-5. Board Department of Public Works to determine fees and assessments for laying out and construction

A.

The Board of Public Works shall determine the fee for the use of main and common sewers. The Board shall make such rules and regulations concerning billing dates, discounts, late fees and penalties, and interest on overdue accounts as it deems appropriate.

B.

The Board Department of Public Works shall make determine all fees and assessments for laying out, and construction of and connection to main drains and common sewers as required by this chapter.

§ 256-6. Billing for sewer use fees and sewer assessments

Sewer use fees and sewer assessments shall be collected by separate billings sent out by the Department of Public Works in such form and at such times as the Board of Public Works may direct.

§ 256-7. Procedure for making assessments

The City Engineer shall keep an accurate account of the expenses of laying out, constructing, maintaining, and repairing each main drain or common sewer and shall seasonably report the same to the Board of Public Works in all cases where assessment for such laying out, constructing, maintaining, and repairing should be made. The City Engineer shall prepare and submit to the Board of Public Works plans of the estates to be assessed, showing the names of the owners, the frontages, and areas, together with a schedule showing the assessment on each of the estates upon which an assessment should be made, and the Board of Public Works shall seasonably make the assessment. The Board of Public Works shall assess and certify the amount to be paid and shall fix a time when such assessment shall be paid, and deliver the same to the City Collector for collection.

§ 256-8. Fee for septage disposal.

A.

Every private septage hauler who disposes of septage at the wastewater treatment facility shall be charged for said disposal at a rate set by the Board Department of Public Works.

D.

The Board Department of Public Works may, at its discretion, refuse to allow any hauler with an unpaid septage account which has begun to accrue interest to dispose of septage at the wastewater treatment plant or may require such hauler to pay immediately at the time of disposal. The Board Department or other appropriate City official may take any other appropriate action permitted by local ordinance or state statute in connection with an unpaid, overdue account.

§ 256-10. Main drains and common sewers defined; supervision of construction

Every sewer or drain laid in any land or way, public or private, open or proposed to be open for public travel and accommodation shall be a main drain or common sewer. The construction of all main drains and common sewers and all sewers and drains connecting with any main drain or common sewer from a point 10 feet from the foundation of the wall of any building shall be under the supervision of the City Engineer **Director of Public Works** or his/her designee.

§ 256-11. Unauthorized digging of street prohibited

No person shall dig or break the ground in a highway or street for the purpose of laying, altering or repairing a sewer pipe or drain, or of entering or connecting with the main drain or common sewer without the consent of the City Engineer **Director of Public Works** or his/her designee.

Ordained &
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

Ordinance
pertaining to
Signs

The following Ordinance passed in second reading:

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 264 – Article I of said code; providing that *Signs*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 264 – Article I of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 264 – Article I – Amend as follows:

Article I. General Provisions

§ 264-1. Permits for projecting signs

No person shall erect or cause to be erected upon or above any City sidewalk, street, highway, or any public area owned or controlled by the City, any permanent sign or advertising device which projects into or over the sidewalk, street, highway, or public area unless a permit authorizing the erection of such sign or device has been issued by the **Board of Public Works Building Department**.

§ 264-2. Permits for stationary sandwich board signs

A.

No person shall locate or place any stationary sandwich board sign on a public sidewalk or other public area owned or controlled by the City unless a permit has been issued for such sign by the **Board of Public Works Building Department**.

B.

Any permit issued by the Board of Public Works Building Department for a sandwich board sign shall state the specific location where said sign shall be placed. The permit shall not be valid for any other location nor for any sign but that indicated on the permit. Shared signs may be required to minimize obstruction and to maximize public safety.

C.

The Board of Public Works Building Department shall adopt regulations as to the location, placement, size, time restrictions on display, permit fee, and duration of permits for sandwich board signs which shall ensure compliance with applicable statutes, ordinances, rules and regulations that the public safety is adequately protected. The Board of Public Works Building Department may allow larger dimensions for shared signs based upon the number of businesses on the sign.

D.

Sandwich board signs shall be permitted on the following streets only: Main Street in the Downtown CBD, Bridge Street in the NB District at the intersection of Market and Hawley Streets only. Any restaurant or retail business which occupies an above- or below-street level space on Main Street, downtown, is eligible to locate a sandwich board sign in front of the property in which the business is located. Any business located on one of the following side streets located off Main Street in the downtown is eligible to locate a sandwich board sign on the corner of that side street and Main Street: Gothic Street, Center Street, Masonic Street, State Street, Strong Avenue, Old South Street, Crafts Avenue. Any restaurant or retail business located on Market Street or Hawley Street is eligible to locate a sandwich board sign on the corner of Bridge Street.

E.

The annual fee for a sandwich board sign is as set forth in Chapter 174, Fees.

§ 264-3. Application for permit; hearing; compliance with zoning ordinances; bond

A.

Application for a permit to erect a permanent sign or advertising device or to locate or place a stationary sandwich board sign shall be made to the Board of Public Works Building Department. The Board of Public Works shall act upon any application within 45 days of its filing. If the Board fails to act within said 45 days, the application will be deemed denied. Approval of a permit shall require a majority vote of the Board members present and voting.

B.

The Board may hold a public hearing on the application if it feels the public interest so requires. Notice of such hearing must be published in a local newspaper of general circulation no less than seven or more than 14 days prior to the date of the hearing. The applicant shall bear the cost of such publication.

C.

No permit may be issued for any sign or advertising device or sandwich board sign unless the Building Inspector has certified that said sign or device as proposed complies with applicable statutes, ordinances, including Chapter 350, Zoning, of the Code of City of Northampton, rules and regulations.

D.

The Board of Public Works Building Department may require, as a condition of the issuance of a permit for such sign or device, that the applicant post a bond or purchase insurance in such amount as it deems advisable for the purpose of holding the City harmless and indemnifying it for any and all damages or liability incurred by the location of a sign or advertising device or sandwich board sign on or over a street, sidewalk, highway, or public area.

§ 264-4. Violations and penalties; removal of signs

A.

The Board of Public Works or the Building Inspector shall notify, in writing, the owner of any sign or advertising device or sandwich board sign requiring a permit under § 264-3A and erected without such required permit that such a sign or device violates the provisions of this article and must be removed. If the owner fails to act within five days of the date of such notice, the sign or device may be removed by or under the direction of a police officer and at the expense of the owner.

B.

Any person erecting a sign or advertising device in violation of this article shall be subject to a fine as set forth in Chapter 40, Enforcement, for each day such sign or device remains in place after the expiration of the five-day notice period. Signs not removed after the expiration of the five-day notice period shall be removed by the Board of Public Works Building Inspector and be subject to a removal fee as set forth in Chapter 174, Fees.

Ordained and
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

Ordinance
pertaining to
Storm Drains

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 278 of said code; providing that *Storm Drains*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 278 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 278 – Amend as follows:

§ 278-1. Purpose and authority

A. Purpose.

(1) The purpose of this chapter is to regulate illicit connections and discharges to the municipal storm drain system, which is necessary for the protection of Northampton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

(2) The objectives of this chapter are:

- (a) To prevent pollutants from entering Northampton's municipal separate storm sewer system (MS4);
- (b) To prohibit illicit connections and unauthorized discharges to the MS4;
- (c) To require the removal of all such illicit connections;
- (d) To comply with state and federal statutes and regulations relating to stormwater discharges;
- (e) To establish the legal authority to ensure compliance with the provisions of this chapter through inspection, monitoring, and enforcement; and
- (f) To prevent contamination of drinking water supplies.

B. Authority. The Department of Public Works shall administer, implement and

enforce this chapter. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Board of Public Works to employees or agents of the Department of Public Works.

§ 278-4. Promulgation of rules and regulations

The Board Department of Public Works may promulgate rules, regulations and a permitting process to effectuate the purposes of this chapter. Failure by the Board of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this chapter.

§ 278-5. Prohibited activities

C.
Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior approval from the Board Department of Public Works or its designated agent.

Ordained &
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

Ordinance
pertaining to
Stormwater and
Flood Control
Utility

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 280 of said code; providing that *Stormwater and Flood Control Utility*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 280 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 280 – Stormwater and Flood Control Utility – Amend as follows:

§ 280-1. Established; supervision

There is hereby established within the Department of Public Works a utility known as the "Stormwater and Flood Control Utility" under the day-to-day supervision of the Director of Public Works and the general supervision of the Board of Public Works.

§ 280-3. Authority.

This chapter is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Amendment Article 2 of the Massachusetts Constitution, Chapter 328 of the Acts of 2002, MGL c. 83, §§ 1 through 24, and such other powers as granted to cities in the General Laws.

§ 280-6. Rates.

A.

The **Board Director** of Public Works shall recommend an annual budget for stormwater management and flood control services to the Mayor. The Mayor shall include a proposed annual budget for the stormwater management and flood control services in the proposed operating budget submitted to the City Council in accordance with Section 7-3 of the Charter of the City of Northampton. The budget submitted by the Mayor and approved by the City Council shall set the annual budget at an amount that will be sufficient to provide for a balanced operating and capital improvement budget for the stormwater management and flood control services.

B.

For the first five fiscal years of the utility operation, the **Board Director** of Public Works shall recommend a budget for each year with revenue raised by the utility that shall not exceed \$2,000,000 per year unless the **Board Director** shall state with specificity the reasons for its recommendation of a budget with revenue in excess of \$2,000,000.

C.

Beginning in the sixth year, the **Board Director** of Public Works shall recommend a budget for each year with revenue raised by the utility that shall not exceed \$2,000,000 per year plus the cost of inflation as determined by the Federal Bureau of Labor Statistics Consumer Price Index unless the **Director Board** shall state with specificity the reasons for its recommendation of a budget with revenue in excess of the limitation set forth in this subsection.

E.

A billing rate per square foot of hydraulic acreage will be calculated by the Department of Public Works and approved by the **Board of Public Works** each year by dividing the approved annual budget as described above by the total hydraulic acreage to be billed in the City of Northampton. The rate shall be on file in the office of the Department of Public Works of the City of Northampton.

F.

Small residential properties shall be divided in approximately equal numbers into four groups based on ascending amounts of impervious area. The **Board Department** of Public Works shall determine the range of impervious area used for defining each group. All properties within each group shall receive the same bill. The bill for each group shall be calculated based on the average impervious and pervious areas of properties that fall within each group.

H.

After calculating the billing rate per square foot of hydraulic acreage in Subsection D, the **Department Board** of Public Works will establish a standardized fee for each of the four classes of small residential properties in accord with Subsection C.

§ 280-10. Fee credits.

A. The **Board Department** of Public Works shall annually develop a proposed Stormwater Management and Flood Control Utility Credit Policy ("Credit Policy"). The **Board Director** shall submit the proposed Credit Policy to the Mayor, who may approve, modify and approve, or disapprove the Credit Policy. The Credit Policy as approved by the Mayor shall be submitted by the Mayor to the City Council for approval. The City Council may approve or disapprove the Credit Policy as submitted. The Stormwater Management and Flood Control Utility Credit Policy will define potential credits or adjustments such as: for stormwater improvements, undeveloped land with protected status, multiple undeveloped parcels under single ownership, seniors, low income, educational programs, and others. The Stormwater Management and Flood Control Utility Credit Policy shall be available for inspection by the public at the Department of Public Works and on the City website.

§ 280-11. Fee billing, delinquencies, collections, abatements.

D.

At any time after interest begins to accrue on an unpaid account, the Northampton

~~Tax City~~ Collector may serve on the party assessed a statement of the amount due, including interest, with a demand for payment. A charge as set forth in Chapter 174, Fees, shall be made for such demand. If the amount due remains unpaid 14 days after mailing of said demand, the Northampton ~~Tax City~~ Collector shall commit the amount to the Board of Assessors for inclusion on the next annual property tax bill. Upon inclusion of the unpaid amount on an annual property tax bill, the amount due shall be a lien on the property, which shall have priority over all other liens except municipal liens and mortgages of record prior to the recording of a notice of lien.

§ 280-12. Appeals; hearings.

A. In the event that a property owner is aggrieved by a written decision from the Department of Public Works denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have 30 days from the date of the written decision to file an appeal to the ~~Mayor Board of Public Works~~. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal with the Department of Public Works, the Department shall forthwith transmit to the ~~Mayor Board of Public Works~~ all documents constituting the record upon which the particular decision was made. The ~~Board of Public Works Mayor~~ shall set a date for hearing which shall be within 90 days of the date of the filing of the appeal, and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than 10 days prior to the hearing date. The ~~Board of Public Works Mayor~~ shall render a written decision within 10 days of the conclusion of the hearing affirming the action of the Department or reversing the action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the credit to be applied prospectively against future charges unless the property owner has paid the full amount of the Stormwater and Flood Control Utility fee as charged and has also requested an abatement.

B. In the event that a property owner fails to pay the Stormwater and Flood Control Utility fee as charged and the City utilizes the process set forth in MGL c. 83, §§ 16A through 16F, to collect the unpaid charges, the property owner shall have the right to seek an abatement by filing an application for abatement with the ~~Board Department~~ of Public Works in accordance with the remedy specified in MGL c. 83, § 16E, with a copy delivered to the Board of Assessors. The application for abatement shall conform to the requirements for a notice of appeal as set forth in Subsection A, above, and the process for a hearing before the ~~Mayor Board of Public Works~~, including the applicable time limits, shall be as set forth therein. In the event that the ~~Mayor Board of Public Works~~ denies the abatement, in whole or in part, it shall, in its written decision, include a statement notifying the property owner of the right to seek a review of the decision by the filing of an appeal with the Appellate Tax Board of the Commonwealth of Massachusetts within three months of the date of the decision of the ~~Mayor Board of Public Works~~. As the right to Appellate Tax Board review under this Subsection B is derived from applicable sections of the General Laws as contained in Chapters 59 and 83 thereof; to the extent that the terms of this chapter conflict with the terms specified therein, the terms specified in the General Laws control.

§ 280-13. Annual reports.

The ~~Board Department~~ of Public Works will make an annual presentation to the City Council providing information relating to the work and projects financed by the Stormwater and Flood Control Utility in the previous year, including, to the extent practicable, an account of expenditures from the stormwater management and flood control account and projected future expenditures. The ~~Board Department~~ will also present this information in a written report accessible on the City website.

Ordained and
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

Ordinance
pertaining to
Stormwater
Management

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 281-4 of said code; providing that *Stormwater Management*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 281-4 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 281-4 - Amend as follows:

§ 281-4. Permit procedures and requirements

H.

Application review and inspection fees. The fee for review and inspection of any land development application shall be based on the amount of land to be disturbed at the site and the fee structure established by the ~~Northampton Board~~ Department of Public Works. All of the monetary contributions shall be credited to the Stormwater Revolving Fund, and shall be made prior to issuance of any building permit for development.

§ 281-6. Stormwater management performance standards

- C. Specific design criteria. Additional policy, criteria, and information including specifications and design standards may be found in the Stormwater Design Manual.

(9)

The basic design criteria methodologies and construction specifications, subject to the approval of the ~~Director of the~~ Department of Public Works or his/her designee and City Engineer, shall be those generally found in the most current edition of the Stormwater Management, Volume Two: Stormwater Technical Handbook (March, 1997, Mass. Department of Environmental Protection, as updated or amended).

§ 281-8. Maintenance

- A. Operation, maintenance and inspection agreement.

(3)

The agreement shall also provide that, if after notice by the ~~City Engineer~~ Director of Public Works or his/her designee to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within 30 days, the Department of Public Works may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties.

§ 281-9. Performance guarantee

The Department of Public Works or his/her designee shall require from the developer a cash escrow, irrevocable letter of credit, or other means of security

acceptable to the Department of Public Works prior to the issuance of any building permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The guarantee so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this chapter and other applicable laws and regulations, and any time limitations. The guarantee shall not be fully released without a final inspection of the completed work by the City Engineer-Director of Public Works or his/her designee, submission of as-built plans, and certification of completion by the Department of Public Works of the stormwater management facilities being in compliance with the approved plan and the provisions of this chapter. When a letter of credit is supplied by the applicant as part of a subdivision, the principal held by the Planning Board may be increased by the amount determined by DPW instead of the DPW holding a separate letter of credit, to avoid the double funding of projects and to avoid the added cost of carrying two letters of credit. If the applicant chooses such a combined guarantee, the Planning Board shall not release or reduce the security without written approval of the DPW.

Ordained &
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 285 of said code; providing that *Streets, Sidewalks, and Public Property*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 285 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 285 - Amend as follows:

~~§ 285-2. Referral of certain matters to Board of Public Works by Mayor and Council.~~

~~The Mayor and the City Council may, from time to time, as they may deem best, refer to the Board of Public Works any matter relating to streets, sidewalks, bridges, sewers and drains, parks, squares, watercourses, property used as landfill or transfer station(s) and public places; and thereupon it shall become the duty of such Board, without delay, to consider the matter so referred and make report thereon.~~

§ 285-4. Permit to display merchandise on streets required; mobile food vehicles

A.

No person, other than one employed directly or indirectly by the City or by the commonwealth and while in the performance of necessary public duties, shall at any time place or leave in any street, sidewalk or highway any article, material or merchandise, or park a vehicle or cart in any sidewalk, street or highway, for the purpose of displaying merchandise unless a permit issued by the Board Department of Public Works, in the case of City ways, or by the Department of Public Works of

Ordinance for
Streets,
Sidewalks, and
Public Property

~~the commonwealth~~ Massachusetts Department of Transportation (MassDOT) in the case of state highways, authorizing the use of the sidewalk, street or highway has been granted and is in effect, except as may be necessary for the reasonable and expeditious loading or unloading of any such article, material, merchandise, cart or vehicle; provided, however, that such property shall never be left so as to obstruct the free passage of pedestrians or vehicular travel. Any such fixture, structure or property as referred to in this section which has been erected, placed or left illegally in any street, highway or sidewalk may be moved by or under the direction of an officer and at the owner's expense.

B.

The board department or officer issuing permits for such use of sidewalks, streets or highways as is described in this section may in its or his discretion, when the occasion justifies, demand a suitable cash deposit, surety bond or insurance indemnity policy to save the City or the commonwealth harmless from all liability of any nature whatsoever caused directly or indirectly by such use of the sidewalk, street or highway.

§ 285-9. Permit required for structures on streets and sidewalks.

A.

No person shall place, erect or cause to be placed or erected within any sidewalk or street any fixture or structure unless a permit, issued by the Board Department of Public Works in the case of the City ways or by the Department of Public Works of the Commonwealth of Massachusetts Massachusetts Department of Transportation (MassDOT) in the case of state highways, authorizing such placing or erection, has been granted and is in effect. Any fixture, structure or property in violation of this section may be moved by or under the direction of an officer and at the owner's expense.

~~§ 285-10. Lowering merchandise over streets from buildings.~~

~~No person shall raise into or lower any article of merchandise to or from the second or a higher story of a building over any portion of a street without a license from the Board of Public Works.~~

§ 285-15. Unauthorized erecting or moving posts prohibited.

No person shall erect or move any post, pole or other structure in any street except by consent of the Board Department of Public Works.

§ 285-16. Ascertaining boundaries required prior to erecting fences or buildings.

No person shall erect or cause to be erected any fence or building adjoining any street or public ground in the City, without first having ascertained the bounds of the same by application to the Board Department of Public Works.

§ 285-17. Snow and ice on sidewalks; removal by owner or occupant required; removal by City

D.

If in the opinion of the City Engineer Director of Public Works or his/her designee, a violation of Subsection A or B constitutes a hazard to persons using such sidewalks or street, the City Engineer Director of Public Works or his/her designee shall cause the snow or ice to be removed, and the violator shall be liable for the cost incurred by the City. Any action taken by the City under this subsection shall not absolve the individual responsible for the clearing of a sidewalk from the provisions of Subsection C.

§ 285-19. Unauthorized digging up or injury to vegetation on public property prohibited

No person shall dig up, cut down, climb, pull, cut, deface, injure or destroy any tree, shrub, vine or plant in any street, way or public ground of the City without the consent of the **Board Department** of Public Works, or the persons having such ground in charge.

§ 285-20. Destruction of public property prohibited.

A.

No person shall intentionally injure, mar, deface, remove, cut, paint, mark, place graffiti upon, or destroy any public property, including but not limited to walls, fences, signboards, awnings, guide posts, street signs, streetlights, utility poles, trash receptacles, traffic control devices, culverts, bridges, park benches, playground equipment, trees, shrubs, plantings, and art work in any street, public square, park, playground, parking area, or other area owned or controlled by a department or agency of the City of Northampton, ~~the Hampshire County Commissioners, or the Commonwealth of Massachusetts.~~

B.

No person shall intentionally injure, mar, deface, remove, cut, paint, mark, place graffiti upon, or destroy any public building owned or controlled by a department or agency of the City of Northampton, ~~the Hampshire County Commissioners, or the Commonwealth of Massachusetts.~~

C.

Violations of this section shall be punished by a fine of \$100 for the first offense and \$300 for the second and all subsequent offenses. Violations may also be processed under the noncriminal violation procedure under Chapter 40 of the Code of Ordinances.

§ 285-21. Permit required to dig up or obstruct streets or sidewalks

A.

No person shall break or dig up any street or sidewalk, or erect any staging for building or place or deposit any stone, bricks, timber or other building materials thereon without obtaining a written permit from the **Board Department** of Public Works, and complying in all respects with the conditions of such permit.

B.

The **Board Department** of Public Works may grant a permit in writing to any person for the purpose of building or other lawful purpose, to dig up, obstruct or encumber so much and such parts of any street or sidewalk as may be needed, and every person receiving such permit shall execute a written agreement, with a bond if required, to indemnify and save harmless the City against all damage or cost from reason of any claim for damages or any process, civil or criminal, on account of the existence of such obstruction, encumbrance or excavation, or any injury to any person occasioned thereby, and no person shall dig up, obstruct or encumber any portion of any street, except in accordance with such permit, which shall be exhibited to any police officer upon the request so to do.

§ 285-22. Safety requirements for excavations or encumbrances; restoration of street

Whenever any street or sidewalk, under any license granted as provided in § 285-21, is dug up, obstructed, encumbered or otherwise rendered unsafe or inconvenient for travelers, the person so licensed shall put up and at all times keep a suitable railing or fence around the section or part of any such street or sidewalk so dug up, obstructed or encumbered, so long as the same remains unsafe or inconvenient, and shall also keep one or more lighted lanterns fixed to such fence, or in some other proper manner, every night, from twilight in the evening and through the night, so long as such railing or fence is keep standing. He shall also, within such reasonable time as the **Board Department** of Public Works shall direct, restore and repair such street to the acceptance of the **Board Department** of Public Works.

§ 285-25. License required for openings associated with basements.

No person shall make, erect or maintain doorsteps, a portico, porch, entrance or passageway to any cellar or basement or any structure, or make a coal hole or other opening in or upon any street, without a license from the **Board Department of Public Works**. In all cases the limit for such structure or opening shall be 3 1/2 feet from the street line. No person shall suffer the platform or grate of the entrance or passageway to his cellar or basement in any street to rise above the even surface of any street, and every such entrance or passageway shall be kept covered by suitable and substantial platform or grate, or in case it is kept open, it shall be guarded and protected by a sufficient railing on both sides thereof, at least 2 1/2 feet high and well lighted at night.

§ 285-27. Wide vehicles on public streets

No person shall drive or convey through the public streets any vehicle the width of which, with its load, exceeds 10 feet, except in accordance with a license from the **Board Department of Public Works**.

§ 285-28. Moving buildings through streets.

A.

No person shall move or assist in moving any building through or upon any street unless a written license therefor has been first obtained from the **Board Department of Public Works**, specifying the terms and conditions on which removal may be made.

B.

No person thus licensed shall act under his license until he has filed with the **Board Department of Public Works** a bond of guaranty with, if required, a sufficient surety and satisfactory in amount, to indemnify the City from all loss and damage by reason of such removal.

§ 285-29. Obstructions to sidewalks

No person shall allow an obstruction to a sidewalk, or to the edge of road pavement or shoulder where a sidewalk does not exist, including any obstruction in the form of a tree, bush or other vegetation which protrudes over said sidewalk or edge of a road pavement or shoulder. Where the **Board Department of Public Works** deems that an obstruction to a sidewalk or to the edge of a road pavement or shoulder exists, it shall give notice by registered mail to the owner of the property causing the obstruction, to remove or prune said obstruction within 14 days so as not to block, obstruct or overhang the sidewalk or edge of the road pavement or shoulder. If the property owner fails to remove or prune the obstruction within the said 14 days, the Department of Public Works or, in the case of trees, bushes or shrubs, the Tree Warden shall remove or prune the obstruction at the owner's expense.

§ 285-30. Permit required to make curb cuts and construct driveways

A.

No person shall make a curb cut or construct a driveway unless a permit is issued by the **Board Department of Public Works** in the case of City ways or by the **Department of Public Works of the Commonwealth of Massachusetts** **Massachusetts Department of Transportation (MassDOT)** in the case of state highway layouts.

B.

The **Board Department of Public Works** in the case of City ways shall establish rules and regulations for the construction of curb cuts and driveways in order to prevent siltation, washing of gravel and debris into the roadway and obstruction of storm drainage within the street layouts. Provision shall be made for traffic and pedestrian safety in granting said permit.

Article II. Laying Out, Altering and Discontinuing

§ 285-32. Referral of petition to Board of Public Works Commission and Planning Board

The City Council shall act first on the petition, and if it deems it best that a view or hearing shall be had thereon, it shall refer it immediately to the Board of Public Works Commission and to the Planning Board. No public way shall be laid out, altered, relocated or discontinued until the Planning Board has reported on the proposed laying out, alteration, relocation or discontinuance to the City Council or has allowed 45 days to elapse after such reference without submitting its report.

§ 285-33. Board Public Works Commission to view premises and hear parties after notice

A.

Upon referral of any petition mentioned in §§ 285-31 and 285-32 to the Board of Public Works Commission by the City Council, such Board Commission shall hold a public hearing and shall view the premises and hear all parties interested therein, having first given notice of the view and hearing by causing a copy of said notice to be mailed by certified mail, at least seven days before the time fixed for such view and hearing, to each of the owners of the land abutting upon such existing or proposed street and the owners of land upon which such new street is proposed to be laid, or by mailing by certified mail to the last and usual place of abode of each such owner. All notices mentioned in this section shall contain a copy of the petition and a copy of the public hearing notice.

B.

~~The Board of Public Works, through its agents or employees, shall have the right, at its option, to deliver said notice by leaving said notice at the affected premises, instead of delivery by certified mail.~~

C.

~~All notices mentioned in this section shall contain a copy of the petition, or the substance thereof, and the order of such Board thereon, and such view and hearing may be adjourned from time to time, and from place to place, at the discretion of such Board.~~

§ 285-34. Report by Board Public Works Commission to City Council.

After viewing the premises and hearing all parties who may desire to be heard, as provided for in the preceding section, the Public Works Commission, Board of Public Works shall report to the City Council whether in its opinion common convenience and necessity require the street to be laid out, altered, widened, discontinued, located anew or the grade thereof changed.

§ 285-35. Preparation of plan and description upon approval.

If the Board Public Works Commission, decides recommends in favor, in whole or in part, of such laying out, altering, widening, changing of grade, locating anew or discontinuing of a street or way as hereinbefore provided, they the Department of Public Works shall, as soon as may be, cause to be prepared a plan and description of such proposed laying out, altering, widening, changing grade, locating anew or discontinuance.

§ 285-36. Board Department to estimate expenses and damages

Except in case of discontinuance, if the Board of Public Works Commission, is recommends in favor of the proposal, it the Department of Public Works shall estimate the probable expense of fitting the same for travel, and at the same time If, in the opinion of the Board-Department, damages would be sustained by any person in their property by reason of such laying out, altering, widening, change of grade, locating anew or discontinuing of any street they shall estimate the amount thereof, and so far as practicable, the share of each separately, damage for all land and

buildings to be estimated with reference to their value before the laying out, altering, widening, locating anew or discontinuing of the streets, and Such estimate shall not include any increased value occasioned merely by such laying out, altering, widening, change of grade, locating anew or discontinuance, and all such estimates shall be submitted with their report to the City Council.

§ 285-37. Hearing on damages

Before proceeding to estimate the damages as aforesaid, the **Board Public Works Commission**, shall give to all parties interested an opportunity to be heard thereon, by causing notice of the time and place of hearing to be served in the manner provided in § 285-33, except that the notices need not contain a copy of the petition or substance thereof as required by § 285-33.

§ 285-38. Hearing before City Council

At any time after notice of a hearing has been given by the **Board Public Works Commission** under § 285-33, and before final action by the City Council upon its report, any party interested may apply in writing to the City Council, asking for a hearing before it upon the petition, or upon the subject of damages, or upon anything contained in said report, and thereupon shall be heard thereon by the City Council at a time and place which it shall appoint, and of which the applicant shall have due notice. Any hearing appointed under this section shall be open to all interested parties who appear and desire to be heard.

~~§ 285-39. Attendance by Board at Council meeting when reports under discussion.~~

~~Any member of the Board may attend any meeting of the Mayor and the City Council while its reports are under discussion and may make such explanations and oral statements of facts regarding them as he thinks fit.~~

~~§ 285-40. Action by Mayor and City Council.~~

~~Action in the City Council upon the report of the Board of Public Works shall be by an order in the premises duly passed by the City Council and approved by the Mayor.~~

§ 285-41. Referral of petition relating to betterments and assessments to **Board the Public Works Commission**

All orders or petitions relating to the assessments of betterments by reason of the laying out of a new street, or any alteration, change of grade, location anew or discontinuance of an existing street shall, at some time before final action is had thereon, be referred to the **Board of Public Works Commission**, which shall consider the same, either with or without a hearing, and make report thereon to the Mayor and City Council of the betterments to be assessed.

§ 285-43. **Board of Public Works Commission** to state whether assessments shall be made; notification of completion of work.

It shall be the duty of the **Board of Public Works Commission** in reporting **recommending** on all matters relating to the laying out, altering, widening, discontinuing, change of grade or repairing the streets of the City, in accordance with the provisions of Section 3 of Chapter 63, Acts of 1921, establishing such Board, to state in make such report **recommendation** whether in the opinion of said Board betterments should be assessed upon property legally subject to such assessments, and thereafter to notify the City Council of the completion of any work upon which the assessment of betterments has been recommended and of the betterments assessed by said Board.

§ 285-44. Submission of lists and recommendations by **Board Department of Public**

Works.

The Board of Public Works Commission shall, in submitting recommendations for reports recommending assessments of betterments, submit with such recommendation lists of such assessment as in their opinion should be made, together with information as to what agreements may be made by the City Council for the assumption of betterments under the laws of the commonwealth.^[1]

§ 285-45. Referral to Board of Public Works Commission required.

No sidewalk, with or without curbing, shall be laid out, established or altered unless the question of laying out, establishing or altering shall have been first referred to the Board of Public Works Commission by the City Council.

§ 285-46. Notice of hearing on establishing or altering sidewalks.

The Board of Public Works Commission, shall, as soon as may be, cause a notice of the time and place of the hearing of all parties interested therein to be given to the several owners of land in front of which such sidewalk is proposed to be laid out, established or altered, by the Chief of Police, Deputy Chief of Police or any regular police officer, Constable or special police officer, designated as provided in § 285-33. Such notice shall be served seven days at least before the time of such hearing upon each owner by delivering to him or to his authorized agent an attested copy thereof or by leaving such copy at his last and usual place of abode in the City; provided, however, that if any owner shall not be found by such officer in the City, or be known to such officer to have any last and usual place of abode or authorized agent therein, then and in such case, such officer shall post such copy on or near the land in front of which such sidewalk is proposed to be laid out, established or altered seven days at least before the time of such hearing, and such posting shall be sufficient service upon such last-described owner; and such officer shall, before the time appointed for the hearing, make a return on the original notice of his doings thereon, and deliver the same to the Board of Public Works Commission, who shall transmit same to the City Council with their its recommendation report.

§ 285-47. Hearing; view of premises; report to Council.

At the time and place appointed as aforesaid, the Board of Public Works Commission, shall meet and hear all persons and parties interested claiming to be heard and, if deemed necessary or requested thereto, shall proceed to view the premises; and the Board Commission shall thereafter report recommend to the City Council whether common convenience and necessity require that a sidewalk be laid out, established or altered.

§ 285-48. Plans and profiles of sidewalks.

If the Board of Public Works Commission, reports recommends in favor thereof, in whole or in part, they the Department of Public Works shall cause all necessary surveys, plans and profiles to be made, indicating the height, width and grade of the proposed sidewalk, and the materials of which it shall be constructed.

§ 285-49. Report to show time of completion.

If the Board of Public Works Commission deems it proper that the construction, as well as the laying out of the proposed sidewalk, should be ordered, its report shall also state the time within which the same shall be completed, which time shall be at least 30 days.

§ 285-50. Notice of sidewalk construction to abutting owners.

When the City Council has ordered a sidewalk to be constructed and completed within a certain time, notice thereof shall be given by the City Clerk to the owners of

land in front of which such sidewalk is proposed to be constructed, and such notice shall be served, returned, filed and preserved in the office of the City Clerk for future reference.

§ 285-51. Construction of sidewalk by City if owner fails to complete required work.

Whenever any sidewalk, or any portion thereof, which has been laid out, established and ordered by the City Council to be constructed, after notice to owners of real estate, as is provided in the preceding section, shall not be completed within the time fixed in the order aforesaid, the Board Department of Public Works shall within six years from the date of the order cause such sidewalk to be constructed according to the original order.

§ 285-52. Assessment for construction expense to become lien.

A reasonable amount, not exceeding 1/2 of the expense of construction, shall be assessed by the Board Department of Public Works upon the persons owning the lands in front of which the sidewalk is constructed; and the sums so assessed shall be a lien upon such lands for the terms of two years from the assessment. The Board Department of Public Works shall certify such assessment to the Assessor of Taxes who shall forthwith commit such assessment to the Collector of Taxes, and he shall forthwith demand payment thereof, and proceed to collect the same as provided for the collection of taxes or other claims due the City.

Ordained &
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

Ordinance
regarding
Temporary
Events

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 303-5 of said code; providing that *Temporary Events*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 303-5 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 5 –Amend as follows:

Chapter 303. TEMPORARY EVENTS

§ 303-5. Securing of other permits required.

The applicant shall secure all necessary permits pertaining to the event from City offices and departments, including but not limited to police, fire, Building Inspector, Board of Health, Conservation Commission, and Board Department of Public Works.

Ordained and
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

Ordinance
pertaining to
Traffic Signs and
Signals

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 312 § 14 of said code; providing that **Traffic Signs and Signals**

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 312 § 14 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 312 § 14 – Traffic Signs and Signals
Amend § 2, 14 as follows:

Chapter 312. VEHICLES AND TRAFFIC

Delete § 2 in its entirety

§ 312-2. Traffic ordinance changes; duties of City Engineer

~~A.-~~

~~It shall be the duty of the City Engineer, upon the request of the Mayor or any member of the City Council, Chief of Police, or Board of Public Works, to draw, in proper form, any proposed change in this chapter for submission to the City Council.~~

~~B.-~~

~~All proposed changes in this chapter which are submitted to the City Council shall be referred to the Transportation and Parking Commission, which Commission shall report thereon to the City Council at the next meeting and as part of its report shall include a statement in writing by the City Engineer as to his opinion of the advisability of the proposed change on the basis of accepted traffic engineering practice.¹⁴~~

~~C.-~~

~~Upon the adoption by the City Council of any change in this chapter, a certified copy of such change shall be furnished forthwith by the City Clerk to the Chief of Police, City Engineer, and Board of Public Works. The City Engineer shall then be required to issue, in conformance with the provisions of this chapter, such written directions as are necessary.~~

Article III. Traffic Signs, Signals, Markings and Zones

§ 312-14. Traffic signs and signals

A.

Subject to the written direction of the ~~City Engineer~~ **Director of Public Works or his/her designee**, the ~~Board~~ **Department** of Public Works is hereby authorized and as to those signs and signals required hereunder it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts.

Article III. Traffic Signs, Signals, Markings and Zones

§ 312-20. Obedience to warning signs at bridges and overpasses

A.

Subject to the direction of the ~~City Engineer~~ **Director of Public Works** or his/her designee, a warning sign shall be placed at any location where a bridge or overpass of any type crosses a public street. Such sign shall state, at a minimum, the height of the bridge or overpass and shall be affixed directly onto the facade of the bridge or overpass or in an area immediately adjacent to the bridge or overpass.

Ordained &
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 316 § 23, 27 of said code; providing that *Horse Drawn Carriages*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 316 § 23, 27

of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTIONS 23 & 27 –

Amend § 23 and 27 as follows:

§ 316-23. Carriage routes; carriage stands

A.

The City Council shall establish set route(s), upon the specified recommendations of the ~~Board~~ **Department** of Public Works and the Police Department, along ways in the City of Northampton along which horse-drawn carriages shall operate. A route, upon the specified recommendations of the ~~Board~~ **Department** of Public Works and the Police Department, may be established by the City Council or a committee thereof or may be requested by a person, business, or organization. Each carriage license issued shall specify the route(s) along which the carriage must operate. Any deviation from an assigned route shall be considered a violation of the carriage license and/or carriage driver's license of the operator.

B.

The City Council shall ~~may~~ establish one or more carriage stands within the City. A licensed horse-drawn carriage may pick up passengers and may wait for passengers only at a designated carriage stand. The City Council may specify on a carriage license which carriage stand(s) the carriage covered by said license may use. Failure to use a designated stand or the stand specified in a license, if one is so specified, shall be considered a violation of the carriage license and/or carriage driver's license of the operator.

§ 316-27. One-day permits for special events

Notwithstanding §§ 316-22 through 316-26, the ~~Board~~ **Department** of Public Works may issue a one-day permit for the operation of a horse-drawn vehicle on specified public ways located within the City of Northampton. Such operation shall be in connection with a specified event, such as a wedding, and not for the general

Ordinance
pertaining Horse
Drawn Carriages

carrying of passengers for hire. The driver of a horse-drawn vehicle under this section must meet the same requirements as set forth for a carriage driver license under § 316-24B, but is not required to obtain such a license. The Board Department of Public Works shall notify the Police Department of any such permits issued.

Ordained and
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

Ordinance
pertaining to
Water

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 325 of said code; providing that *Water*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 325 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

**SECTIONS –
Amend as follows:**

§ 325-1. Available Water Surplus Account.

~~At the end of each fiscal year all receipts of the Water Department during such fiscal year in excess of its expenditures during such period shall be transferred to an account known as the "Available Water Surplus Account." Appropriations from such account shall be made in the customary manner, but only for the purpose of improving the water system of the City.~~

§ 325-2. Use of water from water supply.

No person, except an engineer of the Fire Department, shall draw or use water from any pipe or fixture connected with the water supply of the City except by permission of the Director of Public Works or his/her designee Superintendent of the Water Division.

§ 325-3. Interference with water supply.

No person shall make any opening or connection with a pipe, reservoir or source of water supply or turn on or turn off the water in any water pipe or reservoir, except by permission of the Director of Public Works or his/her designee Superintendent of the Water Division.

§ 325-4. Fishing in reservoirs.

No person shall fish in any reservoir or other source of water supply for the City, except by permission of the Director of Public Works or his/her designee Board of Public Works.

§ 325-7. Tampering with hydrants.

No person shall, except in case of fire, open a hydrant or lift or remove the cover of a hydrant, except by permission of the Director of Public Works or his/her designee Board of Public Works.

§ 325-8. Billing procedures for water use.

A.

Every person, corporation, or entity who uses water supplied by the City of Northampton shall be charged for such usage at the then-current annual rate set by the Board of Public Works.

Article II. Water Emergencies and Restrictions

§ 325-12. Declaration of a state of water supply conservation

The City of Northampton, through its Board the Department of Public Works, may declare a state of water supply conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water conservation shall be given under § 325-14 of this article before it may be enforced.

§ 325-15. Termination of state of water supply conservation; notice.

A state of water supply conservation may be terminated a majority vote of the Board of Public Works by the Department of Public Works, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a state of water supply conservation shall be given in the same manner required by § 325-14.

§ 325-17. Violations and penalties; enforcement officer.

A.

Any person violating this article shall be liable to the City of Northampton in the amount as set forth in Chapter 40, Enforcement, for the first violation and for each subsequent violation which shall inure to the City of Northampton for such uses as the Board Department of Public Works may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate offense.

B.

The Board Director of Public Works may designate any of its employees as enforcement officers. It may also designate any outside consultant as an enforcement officer if it deems such enforcement officer to be necessary for the enforcement of this article.

Ordained and
Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

Ordinance
pertaining to
Solid Waste

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 272 of said code; providing that *Solid Waste*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 272 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 272 – Amend as follows:

Article I. Garbage, Rubbish and Refuse

§ 272-1. Definitions

As used in this article, the following terms shall have the meanings indicated:

BULKY WASTE MATERIAL

Includes but is not limited to refrigerators, stoves, and other large appliances, furniture, mattresses, tires, rolls of carpeting, refuse in sealed bags or containers and other large waste items which must be securely held in place in the vehicle by sturdy ropes, cords or materials so that the solid waste cannot fall, bounce or blow out of the vehicle on to the roadway.

(Implementation date: 2-1-1999.)

CONSTRUCTION AND DEMOLITION (C&D) WASTE

Building or demolition materials with a maximum size of four feet in any dimension, including but not limited to wood, roofing materials, gypsum (wallboard), flooring materials, carpeting, insulation, brick, asphalt and concrete, fixtures, and pieces of duct and pipes. Cardboard and scrap metal are not included in this category, as these materials are classified as "recyclable materials."

LOOSE SOLID WASTE

Refers to quantities of waste material including but not limited to brush, leaves, paper, roof shingles, recyclable materials and other items placed in the rear of a vehicle and which must be completely enclosed by the sides of the vehicle and a tarp or other covering which securely holds the waste material in place and prevents it from falling, bouncing, or blowing from the vehicle onto the roadway. (Implementation: 2-1-1999.)

PRECOMPACTED REFUSE

Refers to refuse which has been compacted by hydraulic force in refuse removal trucks or containers, dumped for processing and then mechanically loaded into open top containers for transport to the landfill.

PROPERLY SECURED LOAD

Refers to all solid waste materials including "solid waste," "loose solid waste" and "bulky waste material" being transported a solid waste disposal facility to the landfill or DPW transfer station; loose solid waste material shall be in closed vehicles, closed containers, sealed plastic bags, or completely covered with a tarp or other covering, which encloses it entirely. Bulky solid waste shall be tied with sturdy ropes or other materials so that it is securely held in place. All solid waste material must be securely tied down or covered so that neither it nor any of its parts can fall out of or blow out of the vehicle transporting it onto the roadway or properties adjacent to the roadway.

RECYCLABLE MATERIALS

Refers to materials that are accepted at the Springfield Materials Recycling Facility (SMRF) and/or materials that are subject to a ban on landfill disposal imposed by the Massachusetts Department of Environmental Protection and/or the Northampton Board of Health. Materials currently accepted by the SMRF include recyclable paper and corrugated cardboard, and metal/glass/aseptic/plastic (#1-7) containers. Materials currently restricted by the DEP under 310 CMR 19.017 include glass and metal containers, single-resin plastics, recyclable paper and corrugated cardboard, leaves and yard

waste, vehicle batteries, white goods/appliances, whole tires, and cathode ray tubes, asphalt, pavement, brick, concrete, clean gypsum wallboard and commercial organic material. In addition, materials currently restricted by the Northampton Board of Health include scrap metal and mattresses.

SOLID WASTE

Refers to all materials being transported to a solid waste disposal facility the landfill, the transfer station(s) or other permitted disposal facility for disposal and/or recycling, including but not limited to the following: brush, construction and demolition material, garbage, household refuse, recyclable material, rubbish, scrap metal, tires, used appliances, used furniture, and yard waste. (Implementation date: February 1, 1999.)

SPECIAL WASTES (WITH PRIOR APPROVAL, NOTIFICATIONS, AND/OR PERMITS)

Refers to asbestos, ashes, dead animals, offal, rope, cable, chains, dredge materials, contaminated soils, street sweepings, stumps, trees, or wastewater treatment residues (e.g., grit/screenings).

§ 272-2. Placing certain articles in streets prohibited.

No person shall deposit in any street, except as herein otherwise provided, any dead shrub or tree, trimming of shrubs or trees, posts, pole or other article, earth from cellars or any rubbish, unless the same shall be immediately removed therefrom at the expense of the owner or other person making such deposit, except at such times as the Board Department of Public Works may request that any or all of the aforementioned articles be so deposited for removal by it as a part of the regular rubbish removal programs.

§ 272-3. Littering prohibited; exception.

No person shall put or place or cause to be put or placed in any street, lane, common, park, court, alley or other public place or on any private property in this City any dirt, filth, ashes, garbage, litter or rubbish of any description; or throw or distribute, or cause to be thrown or distributed therein, any playbill, poster, notice, advertisement or printed paper of any description or any advertising appliance or medium, excepting newspapers distributed to purchasers, except at such times as the Board Department of Public Works may request that any or all of the aforementioned articles be so deposited for removal by it as a part of its regular rubbish removal program. Violation of this section shall be punishable as set forth in Chapter 40, Enforcement.

§ 272-6. Commercial and residential disposal permits and fees for residents transporting rubbish by private vehicle.

A.

No person shall remove or transport garbage/rubbish within the City without first obtaining a permit from the Department of Public Works as authorized by the Board of Health and provided herein pursuant to § 31A of Chapter 111 of the General Laws of Massachusetts. Residential garbage/rubbage transported by the owner is exempt.

D.

Only operators of vehicles displaying a current residential permit sticker will be allowed to dispose of solid waste or recyclables at a City the landfill or the residential transfer station(s).

E.

After a public hearing, the Board of Public Works, in consultation with the Joint City Council/Board of Public Works Conference Committee, shall have the authority to set and collect disposal and permit fees for residential waste management systems and programs as outlined in Article II of this chapter. A fee shall be charged on a per-item basis for the residential disposal of tires, bulky wastes, scrap metal, cathode ray tubes, electronics, propane tanks, white goods,

appliances containing Freon, hazardous wastes and universal wastes.

§ 272-7. Commercial vehicle permits and disposal fees.

A.

Permit fees. The Board of Public Works shall have the authority to set and collect permit fees for refuse removal trucks and commercial vehicles as outlined in Article II of this chapter.

B.

A fee shall be charged for the commercial disposal of all refuse at the Northampton Regional Landfill on the basis of weight not volume, with the exception of tires, bulky wastes, scrap metal, cathode ray tubes, electronics, propane tanks, white goods, appliances containing Freon, hazardous wastes and universal wastes which shall be charged on a per item basis. The Board of Public Works shall have the authority to set and collect commercial disposal fees as outlined in Article II of this chapter.

§ 272-8. Transporting refuse, garbage and rubbish; fines for improperly secured loads

A.

Purpose. The purpose of this section is to ensure that All solid wastes, including but not limited to bulky waste materials and loose solid waste which is collected and/or transported within the City of Northampton shall be so collected and transported in a manner which will prevent such solid, bulky and loose solid waste from falling or blowing onto the roadway, or onto property near or adjacent to the roadway while transporting such waste within the City limits.

B.

Collection of solid waste: Solid wastes shall only be collected and transported in vehicles in good repair with watertight and/or tightly covered receptacles. The vehicles and receptacles shall be kept in clean condition satisfactory to the Board of Health, and shall be cleaned at a site approved by the Board of Health. All such receptacles shall be kept covered except at such times as the combined refuse is being placed therein or removed therefrom.

C.

Transportation of waste for disposal: All solid waste being transported to a solid waste disposal facility the landfill or to the transfer station(s) shall be in properly secured loads.

D.

Residential permit holder fees: Operators of private vehicles transporting improperly secured solid waste shall be subject to an improperly secured load fee fine as set forth in Chapter 40, Enforcement, for each of the first five offenses, in addition to other applicable refuse disposal charges. For each subsequent offense, the improperly secured load fee fine shall be as set forth in Chapter 40.

(1)

The Board of Health and/or the Department of Public Works acting through its agents and employees shall have the authority to withhold a residential permit from any residential user who has outstanding improperly secured load fees fines due to the City.

(2)

If the holder of a residential permit shall have no offenses for a period of two years, the holder's record of previous offenses shall be expunged, provided that there are no outstanding improperly secured load fees fines due to the City.

E.

Commercial permit holder fees.

(1)

Operators of commercial vehicles transporting improperly secured solid waste shall be subject to the improperly secured load fees fines as set forth in Chapter 40, Enforcement, which shall be in addition to all other applicable disposal charges.

(2)(1)

For a fourth offense, the Board of Health and/or the Department of Public Works shall have the right (after providing an opportunity for hearing) to

suspend the commercial entity's refuse disposal permit for up to one month and to charge a ~~fee~~ **fine** of up to \$1,000 in costs to reimburse the City for the costs of the hearing including staff time and also to cover any and all staff time necessary to clean up the refuse which may have fallen or blown unto the roadway or property adjacent to the roadway.

~~(3)~~ (2)

The Board of Health and/or the Department of Public Works acting through its agents and employees shall have the authority to withhold a commercial permit from any commercial user who has outstanding improperly secured load ~~fees~~ **fin**es due to the City.

F.

~~All permit holders:~~ The operator of any vehicle transporting improperly secured solid waste who refuses to pay the improperly secured load ~~fee~~ **fine** and/or who exits the disposal facility with improperly secured refuse shall be subject to an additional fine equal to the original ~~fee~~ **fine** imposed.

§ 272-10. Deposits other than in authorized locations prohibited; regulations for use of sanitary landfill.

It shall be unlawful for any person to deposit, place or dispose of garbage or rubbish in any place except a site assigned for that purpose by the Board of Health as provided in MGL c. 111, § 150A. ~~No vehicles shall be allowed to enter the sanitary landfill facility without first obtaining a permit from the Board of Health. Automobiles, toxic wastes, hot items, chemicals, bunker or waste oils, and all liquid wastes shall not be placed or deposited in or at the site of the sanitary landfill facility. Trees, stumps, furniture and bulk appliances, excluding items described above, shall be deposited in a separate area provided for that purpose.~~

§ 272-11. Permit for disposal of demolition materials

~~Any person wishing to dispose of demolition materials shall obtain a permit from the Department of Public Works to dispose of the demolition materials at a site assigned by the Board of Health.~~

§ 272-13. Municipal transfer stations; disposal fee

A.

Municipal transfer station(s) established within the City shall be for the sole use of residents of the City, and only domestic ~~residential~~ refuse and rubbish shall be deposited in the compactor unit.

B.

The Department of Public Works shall issue permits in the form of stickers to be attached to each vehicle. Said permit shall allow use of a municipal solid waste disposal facility the ~~regional landfill and municipal transfer station(s).~~

C.

Any person, ~~firm, or corporation~~ using the compactor unit in violation of these provisions shall be subject to the penalties set forth in § 272-14 of this chapter.

~~D.~~

~~Any person, firm, or corporation using the compactor unit in violation of these provisions shall be subject to the penalties set forth in § 272-14 of this chapter.~~

§ 272-15. Mandatory recycling

A.

~~Program established.~~ There is hereby established in the City of Northampton a program for the mandatory separation of recyclable materials from garbage or rubbish by anyone who lives or works in Northampton, including residents (including but not limited to inhabitants of single-family units, multifamily units, condominiums, boardinghouses, schools, assisted living facilities, etc.), businesses (including but limited to offices and retail establishments), institutions and industries located in the City of Northampton.

B.

~~Enforcement.~~ Enforcement of this section shall be by either criminal complaint in the District Court or noncriminal procedures as set forth in Chapter 40 of this Code of Ordinances. The maximum fine for violation of this section shall be \$300.

C.

~~Effective date.~~ This section shall take effect one week following the publication of the Board of Health regulations cited above in a daily newspaper of general circulation in the City of Northampton. Any changes in the definition of "recyclables" shall take effect one week after the pertinent regulations of the Board of Health have been published in a daily newspaper of general circulation in the City of Northampton or at such later date as may be specified in said regulations.

~~§ 272-16. Disposal of refuse at landfill; unacceptable garbage and trash.~~

[Added 6-20-1991; amended 1-6-1994]

All garbage or trash collected within the City limits of the City of Northampton by a holder of a commercial trash hauler's permit issued under ~~§ 272-7~~ of the Code of Ordinances shall be disposed of at the City of Northampton Sanitary Landfill, provided that garbage or trash which is not acceptable for disposal at the City landfill shall not be disposed of within the City of Northampton except at places designated in writing by the Board of Health. All permits granted to commercial haulers of trash or garbage shall state that any garbage or trash collected and transported under said permit shall be disposed of at the City of Northampton Sanitary Landfill.

Article II. Integrated Solid Waste Management

[Adopted 12-4-2003 (Ch. 22, Art. III, of the 1977 Code)]

~~§ 272-18. Available surplus account.~~

At the end of each fiscal year all receipts of the Integrated Solid Waste Management Division during such fiscal year in excess of its expenditures during such period shall be transferred to an account known as the "Solid Waste Surplus Account." Appropriations from such account shall be made in the customary manner, but only for the purpose of improving the waste management systems of the City.

~~§ 272-19. Permits~~

A.

Every person, corporation, or entity who disposes of solid waste and/or recyclable materials at the landfill and/or transfer station(s) of the City of Northampton shall be charged for an annual permit at a rate(s) set by the Board Department of Public Works except as specified in § 272-6B.

B.

The Board Department of Public Works shall make such rules and regulations concerning permit fees, starting and closing date(s) and exemptions for refuse collection vehicles, commercial vehicles, and private vehicles, as it deems appropriate.

~~§ 272-20. User fees~~

Every person, corporation, or entity who disposes of solid waste and/or recyclable materials at the landfill and/or transfer station(s) of the City of Northampton shall be charged for such usage at the rate(s) set by the Board Department of Public Works.

~~§ 272-21. Billing procedures.~~

A.

For customers on a monthly billing system, disposal and permit fees shall be collected by separate billings sent out by the Department of Public Works in such form and at such times as the Board of Public Works may direct.

B.

The Board Department of Public Works shall make such rules and regulations concerning contract rates, billing dates, discounts, exemptions, surcharges, interest on overdue accounts, late fees and penalties as it deems appropriate.

E.

The Board Department of Public Works may, at its discretion, refuse to allow any hauler with an unpaid account which has begun to accrue interest to dispose of solid waste, recyclable materials, or daily cover materials at the integrated solid waste management facility or may require such hauler to pay immediately at the time of disposal. The Board Department of Public Works or other appropriate City official may take any other appropriate action permitted by local ordinance or state statute in connection with an unpaid, overdue account.

**Ordained and
Enrolled**

Rules suspended, passed two readings, Ordained and Enrolled.

Councillor Spector moved to approve the Ordinances below in 2nd Reading as a group; Councillor Carney seconded the motion.

**Ordinances
pertaining to
Parking on
Pleasant Street &
related Parking
Meter Zones**

14.281 Ordinance: §312-102 Schedule I: Parking Prohibited All Times - Pleasant St. & 14.282 § Ordinance 312-109 Pleasant St. Schedule VIII: On Street Parking Meter Zones

(Positive recommendations from TPC & Comm. on Rules, Orders, Appointments and Ordinances; 2nd Reading)

The Ordinances were approved on a Roll Call Vote of 9 Yes, 0 No

The following Ordinance passed in second reading:

City of Northampton
MASSACHUSETTS

In the Year Two Thousand and Fourteen

UPON THE RECOMMENDATION OF Transportation and Parking Commission

ORDINANCE

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §312-102 of said Code; providing that *Schedule I: Parking Prohibited All Times*.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1: That section §312-102 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

Section §312-102 Schedule I: Parking Prohibited All Times

AMEND:

Location	Side	From	To
Pleasant Street	Westerly	Michelman Avenue A point 51 feet northerly from Michelman Avenue	Point 102 feet southerly

**Ordained and
enrolled.**

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand and Fourteen

UPON THE RECOMMENDATION OF Transportation and Parking Commission

ORDINANCE

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section §312-109 of said Code; providing that *Schedule VIII: On Street Parking Meter Zones*.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1: That section §312-109 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

Section §312-109 Schedule VIII: On Street Parking Meter Zones

AMEND:

Location	Side	From	To	Time Limit/Class
Pleasant Street	Both Easterly	Kingsley Avenue	Holyoke Street	2 hours/Class 1B

ADD:

Location	Side	From	To	Time Limit/Class
Pleasant Street	Westerly	Kingsley Avenue	Point 51 feet northerly from Michelman Avenue	2 hours/Class 1B

Ordained and Enrolled

Rules suspended, passed two readings, Ordained and Enrolled.

14.314 & 14.315 Ordinances regarding 7+ Units in URB & URC Districts
(Positive recommendation from Committee on Rules, Orders, Appointments and Ordinances; 2nd Reading)

Ordinances pertaining to 7+ Units in URB & URC Districts

Councilor Spector moved to approve the Ordinances in 2nd Reading as a group; Councilor Sciarra seconded the motion. The Ordinances were approved in second reading on a Roll Call Vote of 9 Yes, 0 No.

The following Ordinance passed in second reading:

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

UPON THE RECOMMENDATION OF THE Planning Board and the Office of Planning & Sustainability

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 350G of said code; providing for *replacement of moratorium on construction of 7+ units in the URB district with language specified*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 350G of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 1

Site Plan Approval Required for the Following:

- Any construction (other than for a single-family home) greater than 2,000 square feet
- The addition of a principal structure to a parcel where one already exists.

Special Permit Approval Required for the Following Uses by Planning Board Unless Otherwise Noted:

- Detached accessory dwelling unit (see § 350-10.10—Zoning Board of Appeals special permit)
- Home business for personal service business by appointment only or home business more than 25 visits, etc. (see § 350-10.12 for other criteria—Zoning Board of Appeals special permit)
- Any townhouse project creating 7 or more units in one or more phases within a 5 year period.

Any such project shall comply with the following:

A. Buildings and Parking

1. The first row of buildings along a street shall face the street and add to the streetscape. There shall not be any parking, except incidental to a driveway or roadway, between the first row of buildings and the street. Parking shall be located behind buildings or designed otherwise to minimize view from the public street.
2. The area between the property and the road pavement shall be made to be pedestrian friendly, with sidewalks, street furniture, trees and other vegetation, all of which shall be in conformance with city standards. All landscaping incorporated as part of the applicant's design between the street and the building(s) shall facilitate and enhance the pedestrian use of sidewalks and other areas adjacent to the building. Such streetscape may include rebuilding by the applicant as necessary granite curbs, ADA compliant concrete sidewalks, tree belts, and drainage improvements incorporating low impact development standards for any necessary drainage improvements triggered by these changes.
3. Buildings that abut existing residential properties shall incorporate building articulation alongside facades. Building projections shall be incorporated for any side façade that is longer than 30 feet.
4. Front facades shall have setbacks consistent with other buildings within the block or provide a different setback that is necessary to address any natural resources constraints.

B. Streets and Roadways

1. Projects shall connect to all surrounding neighborhoods with bicycle and pedestrian

access to the extent possible.

1. For projects that have more than one vehicular access, driveways and roadways shall internally and externally connect to each other and dead-end streets shall be avoided whenever possible. Dead-end roadways and driveways shall never exceed 500 feet and, to the extent possible, must include a bicycle and pedestrian connection from the dead-end street to a street, common area, park or civic space.
2. For projects that have a single vehicular access, such access shall not exceed 500 feet and pedestrian access shall also be provided directly from any street to residential units.
2. The design standards for the length of dead-end streets, protection of natural features, sidewalks, wheelchair ramps, landscaping, utilities, and the construction method and materials for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads and other infrastructure shall be those set forth in Chapter 290, Subdivision of Land. These standards shall apply even for private roadways and driveways that are not part of a subdivision, unless waived by the Planning Board.
3. Driveways and private roadways shall be designed to function as private alleys, or shared streets with pedestrians and cyclists, and engineered to keep speeds below 15 miles per hour, or yield streets with separate sidewalks as shown in the subdivision regulations. Such sidewalks shall connect to sidewalks along adjacent streets.
4. Vehicular access shall connect to surrounding streets as appropriate to ensure safe and efficient flow of traffic within the surrounding neighborhood and to mitigate increases in traffic on nearby streets.
5. Pre-existing paths historically used as bicycle and pedestrian trails shall be preserved to the extent possible and marked with appropriate signage.

C. Park Space

1. All projects shall include a park/common area fully designed and constructed to be integrated into the project, which area shall be easily accessible and available for residents of the project. At minimum, this space shall be 300 square feet or 30 square feet per dwelling unit of buildable land area, whichever is greater.
2. All such space shall be contiguous unless waived by the Planning Board upon finding that it is in the public interest and consistent with the intent and purpose of this section.

D. Environment and Energy

Buildings shall meet one of the following environmental standards:

1. Home Energy Rating System (HERS) rating for the building envelope at least 25% lower than the current municipal standard at the time the special permit is requested but in no event shall the HERS rating be greater than 47 for units of 1,200 square feet or less, and no greater than 41 for units larger than 1,200 square feet. Alternatively, for units of 1,200 square feet or less, the Planning Board may consider a comparable energy standard to the HERS rating of 47 after consultation with the Building Commissioner.
2. US Green Building Council LEED New Construction Gold or Neighborhood Development Gold Certified.

E. Size, Access and Affordability

1. Buildings shall meet one of the following standards:
 - a. 11% of the units shall be "affordable units" as that term is defined in section 350-2.1 of the Code of the City of Northampton; or
 - b. Contain 25% or more of the units no larger than 1,200 square feet gross floor area.
2. Equal access. All projects shall provide equal access to all building amenities, park and civic space and public entrances to buildings to residents of both affordable and non-affordable units.

F. Internet Connectivity

All projects that include infrastructure making internet connectivity available shall do so without differences in quality, capacity or speed to residents of both affordable and non-affordable units.

SECTION 2

That existing language for all projects in design standard #4 of the table be amended to read:

4. Parking for more than 5 cars shall be distributed on the site to minimize impact to the neighborhood character which shall be accomplished by small groupings of spaces surrounded by landscaping or parallel parking along a narrow driveway to mimic an alley. Driveways wider than 15 feet shall be visually buffered from side lot lines through setbacks or screening to adequately block car headlights

**Ordained and
Enrolled**

Rules suspended, passed two readings, Ordained and Enrolled.

The following Ordinance passed in second reading:

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Fourteen

**UPON THE RECOMMENDATION OF THE Planning Board and the Office of
Planning & Sustainability**

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section **350H** of said code; providing for *replacement of moratorium on construction of 7+ units in the URC district with language specified*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **350H** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 1

Site Plan Approval Required for the Following:

- Any construction (other than for a single-family home) greater than 2,000 square feet
- The addition of a principal structure to a parcel where one already exists.

Special Permit Approval Required for the Following Uses by Planning Board Unless Otherwise Noted:

- Detached accessory dwelling unit (see § 350-10.10—Zoning Board of Appeals special permit)
- Home business for personal service business by appointment only or home business more than 25 visits, etc. (see § 350-10.12 for other criteria—Zoning Board of Appeals special permit)
- Any multifamily or townhouse project creating 7 or more units in one or more phases within a 5 year period.

Any such project shall comply with the following:

A. Buildings and Parking

5. The first row of buildings along a street shall face the street and add to the streetscape. There shall not be any parking, except incidental to a driveway or roadway, between the first row of buildings and the street. Parking shall be located behind buildings or designed otherwise to minimize view from the public street.
6. The area between the property and the road pavement shall be made to be pedestrian friendly, with sidewalks, street furniture, trees and other vegetation, all of which shall be in conformance with city standards. All landscaping incorporated as part of the applicant's design between the street and the building(s) shall facilitate and enhance the pedestrian use of sidewalks and other areas adjacent to the building. Such streetscape may include rebuilding by the applicant as necessary granite curbs, ADA compliant concrete sidewalks, tree belts, and drainage improvements incorporating low impact development standards for any necessary drainage improvements triggered by these changes.
7. Buildings that abut existing residential properties shall incorporate building articulation alongside facades. Building projections shall be incorporated for any side façade that is longer than 30 feet.
8. Front facades shall have setbacks consistent with other buildings within the block or provide a different setback that is necessary to address any natural resources constraints.

B. Streets and Roadways

2. Projects shall connect to all surrounding neighborhoods with bicycle and pedestrian access to the extent possible.
3. For projects that have more than one vehicular access, driveways and roadways shall internally and externally connect to each other and dead-end streets shall be avoided whenever possible. Dead-end roadways and driveways shall never exceed 500 feet and, to the extent possible, must include a bicycle and pedestrian connection from the dead-end street to a street, common area, park or civic space.
4. For projects that have a single vehicular access, such access shall not exceed 500 feet and pedestrian access shall also be provided directly from any street to residential units.
6. The design standards for the length of dead-end streets, protection of natural features, sidewalks, wheelchair ramps, landscaping, utilities, and the construction method and materials for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads and other infrastructure shall be those set forth in Chapter 290, Subdivision of Land. These standards shall apply even for private roadways and driveways that are not part of a subdivision, unless waived by the Planning Board.
7. Driveways and private roadways shall be designed to function as private alleys, or shared streets with pedestrians and cyclists, and engineered to keep speeds below 15 miles per hour, or yield streets with separate sidewalks as shown in the subdivision regulations. Such sidewalks shall connect to sidewalks along adjacent streets.
8. Vehicular access shall connect to surrounding streets as appropriate to ensure

safe and efficient flow of traffic within the surrounding neighborhood and to mitigate increases in traffic on nearby streets.

9. Pre-existing paths historically used as bicycle and pedestrian trails shall be preserved to the extent possible and marked with appropriate signage.

C. Park Space

3. All projects shall include a park/common area fully designed and constructed to be integrated into the project, which area shall be easily accessible and available for residents of the project. At minimum, this space shall be 300 square feet or 30 square feet per dwelling unit of buildable land area, whichever is greater.
4. All such space shall be contiguous unless waived by the Planning Board upon finding that it is in the public interest and consistent with the intent and purpose of this section.

D. Environment and Energy

Buildings shall meet one of the following environmental standards:

1. Home Energy Rating System (HERS) rating for the building envelope at least 25% lower than the current municipal standard at the time the special permit is requested but in no event shall the HERS rating be greater than 47 for units of 1,200 square feet or less, and no greater than 41 for units larger than 1,200 square feet. Alternatively, for units of 1,200 square feet or less, the Planning Board may consider a comparable energy standard to the HERS rating of 47 after consultation with the Building Commissioner.
2. US Green Building Council LEED New Construction Gold or Neighborhood Development Gold Certified.

E. Size, Access and Affordability

1. Buildings shall meet one of the following standards:
 - c. 11% of the units shall be "affordable units" as that term is defined in section 350-2.1 of the Code of the City of Northampton; or
 - d. Contain 25% or more of the units no larger than 1,200 square feet gross floor area.
2. Equal access. All projects shall provide equal access to all building amenities, park and civic space and public entrances to buildings to residents of both affordable and non-affordable units.

F. Internet Connectivity

All projects that include infrastructure making internet connectivity available shall do so without differences in quality, capacity or speed to residents of both affordable and non-affordable units.

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That existing language for all projects in design standard #4 of the table be amended to read:

4. Parking for more than 5 cars shall be distributed on the site to minimize impact to the

neighborhood character which shall be accomplished by small groupings of spaces surrounded by landscaping or parallel parking along a narrow driveway to mimic an alley. Driveways wider than 15 feet shall be visually buffered from side lot lines through setbacks or screening to adequately block car headlights

**Ordained &
Enrolled**

Rules suspended, passed two readings, Ordained and Enrolled.

**Updates from
Council President
& Committee
Chairs**

None

**Information
Requests
(Charter
Provision 2-7)**

None

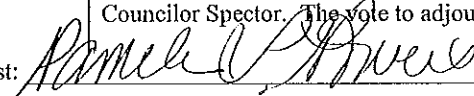
New business

None

Adjourn

At 9:15 p.m., a motion to adjourn was made by Councilor LaBarge and seconded by Councilor Spector. The vote to adjourn passed unanimously (9 Yes, 0 No).

Attest:

 , Clerk of Council

Record of Roll Call Votes of the Northampton City Council

Dec. 4, 2014 7:05 PM	ROLL CALL VOTE City Council 2014-2015										Total
Roll Called by Pamela L. Powers, Clerk of the City Council	Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Sciarra	Councilor Paul D. Spector	9 Present 0 Absent	
Center Court	Present	Present	Present	Present	Present	Present	Present	Present	Present	9 Present 0 Absent	
Pacquette Avenue	No	Yes	Yes	No	No	Abstain	Yes	No	Motion to Accept BPW & Planning recommendation	Roll Call Vote 4 Yes, 4 No, 1 Abstention (Murphy) Motion Failed	
Park Avenue	Yes	Yes	Yes	Yes	Yes	Yes	Motion to Accept BPW & Planning recommendation	Second	Yes	Motion Carried Roll Call Vote 9 Yes, 0 No	
Hebert Avenue	Yes	Yes	Yes	Yes	Motion to Accept BPW recommendation	Abstain	Yes	Yes	Second	Motion Carried Roll Call Vote 9 Yes, 0 No	
Hebert Avenue	Yes	Yes	Yes	Yes	Second	Yes	Yes	Yes	Yes	Motion Carried Roll Call Vote 0 Yes, 9 No	
14.311 Order to Modify Council Rules to Add DPW Committee (1st Reading)	No	No	No	No	No	No	Second	No	No	Motion Failed Roll Call Vote 9 Yes, 0 No	
14.324 Order to Accept Donation of Granite Mileage Markers (1st Reading)	Yes	Yes	Yes	Yes	Second	Yes	Yes	Yes	Yes	Motion Carried Roll Call Vote 9 Yes, 0 No	
14.325 Order to Acquire Land from Peter Baye (1st Reading)	Yes	Second	Yes	Yes	Motion to Approve	Yes	Yes	Yes	Yes	Motion Carried Roll Call Vote 9 Yes, 0 No	

Record of Roll Call Votes of the Northampton City Council

Dec. 4, 2014 7:05 PM	ROLL CALL VOTE City Council 2014-2015										Total
14.326 Order to Accept A Deed in Lieu of Foreclosure (1 st Reading)	Councilor Jesse M. Adams Motion to Approve Yes	Councilor Maureen T. Carney Yes Motion to Approve	Councilor William H. Dwight Yes	Councilor Alisa F. Klein Yes	Councilor Marianne L. LaBarge Yes Second	Councilor David A. Murphy Yes	Councilor Ryan R. O'Donnell Second	Councilor Gina-Louise Sciarra Yes	Councilor Paul D. Spector Yes	Roll Call Vote 9 Yes, 0 No	
14.328 Order for \$99,900 for Forbes Library Elevator Project (1 st Reading)	Yes	Yes Motion to Approve	Yes	Yes	Yes Second	Yes	Yes	Yes	Yes	Motion Carried Roll Call Vote 9 Yes, 0 No	
Petitions to Accept Certain Roadways as Public Ways (Positive recommendation from BPW & Planning; 2 nd Reading)	Yes	Yes	Yes	Yes	Motion to Approve as a group	Yes	Yes	Yes	Second	Motion Carried Roll Call Vote 9 Yes, 0 No	
14.316 Clark Street											
14.318 Cooke Avenue											
14.319 Massasoit Avenue	Yes	Yes Second	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried Roll Call Vote 9 Yes, 0 No	
Ordinances in support of Mayor Narkewicz's Administrative Order (Positive recommendation from the Committee on Rules, Orders, Appointments and Ordinances; 2 nd Reading)	Yes	Yes Second	Yes	Yes	Yes	Motion to Approve as a Group	Yes	Yes	Yes	Motion Carried	
14.253 Ch 22 1-4: Ordinance Community Preservation Committee											
14.254 Ch 111 1-3: Ordinance regarding Agriculture											
14.259 Ordinance to Delete Certain Sections	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes		
14.238 Ch 40: Ordinance regarding Enforcing Officers and Penalties for Noncriminal Disposition											
14.297 Ch 290: Ordinance regarding Subdivision of Land											
14.239 Ch 229: Ordinance regarding Permits and Processions											
14.237 Ch 149 § 1-4: Numbering of Buildings **											
14.293 Ch 337: Ordinance regarding Wetlands Protection											
14.291 Ch 256: Ordinance regarding Article 1 - Sewer Assessments, Billing and General Regulations											
14.292 Ch 264: Ordinance regarding Signs											
14.294 Ch 278: Ordinance regarding Storm Drains											
14.295 Ch 280: Ordinance regarding Stormwater and Flood Control Utility											
14.296 Ch 281: Ordinance regarding Stormwater Management											
14.290 Ch 285: Ordinance regarding Streets, Sidewalks, & Public Property											
14.298 Ch 303-5: Ordinance regarding Temporary Events											
14.299 Ch 312 sec 14: Ordinances regarding Traffic Signs & Signals											
14.300 Ch 316: Ordinance regarding Horse-Drawn Carriages											
14.301 Ch 325: Ordinance regarding Water											
14.286 Ch 272: Ordinance for Solid Waste											

Record of Roll Call Votes of the Northampton City Council

Dec. 4, 2014 7:05 PM	ROLL CALL VOTE City Council 2014-2015	Councilor Jesse M. Adams	Councilor Maureen T. Carney	Councilor William H. Dwight	Councilor Alisa F. Klein	Councilor Marianne L. LaBarge	Councilor David A. Murphy	Councilor Ryan R. O'Donnell	Councilor Gina-Louise Sciarra	Councilor Paul D. Spector	Total
14.281 Ordinance: §312-102 Schedule I: Parking Prohibited All Times - Pleasant St.			Second							Motion to Approve as a Group	Roll Call Vote 9 Yes, 0 No
14.282 § Ordinance 312-109 Pleasant St. Schedule VIII: On Street Parking Meter Zones (Positive recommendation from TPC&Comm. on Rules, Orders, Appointments and Ordinances; 2nd Reading)	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried
14.314 & 14.315 Ordinances regarding 7+ Units in URB & URC Districts (Positive recommendation from Committee on Rules, Orders, Appointments and Ordinances; 2nd Reading)	Yes		Motion to Approve as a Group			Second					Roll Call Vote 9 Yes, 0 No
Adjourn @ 9:15pm			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Motion Carried
						Motion to Adjourn				Second	Voice Vote 9 Yes, 0 No Motion Carried

Recorded by Pamela L. Powers
Clerk of Council
ppowers@northamptonma.gov
(413) 587-1225